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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda, in accordance with General Assembly resolution 50/200 of 22 December 1995.

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ANNEX

Report of the High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda

I. INTRODUCTION

1. In general, the Human Rights Field Operation in Rwanda serves the people of Rwanda through the protection and promotion of human rights and full respect for the rule of law with a view to eventual national reconciliation in the country. The Operation provides the most comprehensive United Nations presence in Rwanda since the withdrawal of the United Nations Assistance Mission in Rwanda (UNAMIR) on 8 March 1996. Currently, the Operation has a staff of some 110 members, and is the only United Nations presence capable of monitoring and reporting on the human rights situation in all 12 prefectures.

2. The present report is submitted pursuant to Commission on Human Rights resolution 1996/76 of 23 April 1996, adopted without a vote, in which the Commission requested the United Nations High Commissioner for Human Rights to report on the activities of the Operation to the General Assembly at its fifty-first session. It describes the role of the Operation since the High Commissioner's last report to the General Assembly, submitted on 13 November 1995 (A/50/743, annex).

3. The role of the Operation, as the principal approach of the High Commissioner to the Rwandan human rights tragedy, must be viewed against the factual background. From April to July 1994, Rwanda suffered the slaughter of between 500,000 and 1 million persons, mainly members of the Tutsi minority and moderate Hutus. The massive human rights violations were perpetrated in a pre-planned, organized and systematic manner by extremist Hutu militia throughout the country, and started within hours of the attack on the presidential aircraft on 6 April, which took the lives of all those aboard, including Juvénal Habyarimana, President of the Rwandese Republic, and Cyprien Ntyamira, President of the Republic of Burundi, as well as accompanying ministers and members of the entourages and crew.

4. The mass killings were condemned by all main organs of the United Nations, first and foremost the Security Council and qualified by the Commission of Experts on Rwanda a/ in very clear and unambiguous terms as constituting "genocide" within the meaning of the Convention on the Prevention and Punishment of the Crime of Genocide, of 1948. In addition to the extensive carnage, there was widespread destruction of Rwanda's infrastructure.

5. The new Government that took power in Rwanda in mid-July 1994 was able to halt the genocide and to assert effective control over the territory of Rwanda. It was then faced with the immense task of restoring law and order, fostering national reconciliation and reconstructing public and economic institutions. This enormous challenge could not possibly be met by the Government of Rwanda alone. It required extensive assistance from the international community.

II. RESPONSE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS TO THE CRISIS IN RWANDA

6. The effort of the High Commissioner to foster full respect for human rights and fundamental freedoms continues to form an integral part of the overall United Nations response to the catastrophe in Rwanda. From the outset of its deployment, in September 1994, the mandate of the Operation was designed to meet not only the most immediate and pressing needs, but also to put in place medium- and long-term initiatives in order to promote sustained assistance to the people and Government of Rwanda in respect of human rights protection and promotion.

7. As it enters its third year of operation, in October 1996, the Operation continues to build upon a strong working relationship with the Government of Rwanda at various levels, essential for the effective carrying out of its mandate. To achieve this, the Operation takes a three-pronged approach to confidence-building with a view to eventual national reconciliation, as described below.

A. Investigating the genocide

8. The Operation has carried out extensive investigations of genocide and other serious violations of human rights and humanitarian law that took place during the April to July 1994 armed conflict in Rwanda. While the desirability and feasibility of creating an international criminal court for Rwanda was in the process of being considered, special care was taken to ensure that valuable evidence would not be lost in the interim. The Operation continued its genocide-related investigations until such point as the Deputy Prosecutor's Office of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, with its own investigations unit, was established in Kigali. Thereafter, the emphasis of the Operation's investigative work shifted to coordinating activities of the field teams with the work of the Tribunal.

B. The monitoring and confidence-building process

9. The Operation continues to maintain a comprehensive presence of human rights field officers throughout the country to monitor and report on the ongoing human rights situation - essential elements of the Operation's mandate. Since the last report of the High Commissioner to the General Assembly on the Human Rights Field Operation in Rwanda, on average, there have been some 110 Operation staff deployed in Rwanda. The human rights officers work in one of 11 teams located throughout Rwanda, covering the situation in all prefectures.

10. It is critical for post-genocide rehabilitation in Rwanda that the ongoing human rights situation is closely observed, that patterns of violations are identified and immediate action taken at all levels of Rwandan public authority, a process the Government of Rwanda recognizes and supports. In terms of

procedure, human rights field officers regularly tour the communes to which they are assigned, keeping a watchful eye on all situations and incidents pertaining to the enjoyment of human rights. Where they learn of alleged violations, they evaluate in a methodical way the source of the information to determine whether it is factual or whether it represents mere rumour or opinion. Special care is taken to guard the confidentiality of witnesses and information.

11. Where it has been determined that a human rights violation has occurred, the human rights field officer, working under the guidance of the team leader and the Operation's headquarters, located at Kigali, approaches the appropriate local authorities. These authorities are informed of the apparent violation while the confidentiality of the source is maintained. Field officers prompt and monitor investigations by national authorities and in certain cases, provide advice on how to conduct investigations in conformity with international human rights standards. Additionally, the Operation recommends measures designed to prevent the violation in question from occurring in future. Human rights officers then continue to monitor the situation closely to ensure that the problem is adequately addressed and followed up by local authorities.

12. All information concerning the human rights situation is immediately reported to Operation headquarters. The field teams report on a weekly basis to headquarters on their activities and on all relevant interventions made, including follow-up action taken at the local level. Urgent developments are reported immediately. To this end, the Operation maintains regular contact with the relevant authorities, civil administration, military and gendarmerie, prison administration and the judiciary. This includes advice on human rights standards which may take the form of seminars or training courses. Such initiatives also often include the participation of non-governmental organizations, educational institutions as well as segments of Rwandan society. In accordance with the mandate of the Operation, such activities have been conducted on a continuing basis throughout the country at the prefectural, communal and sectoral levels. Based on reports and requests received from field teams, the Chief of Mission regularly takes up these issues with the Rwandan national authorities to take corrective action.

13. The High Commissioner continues to provide to Governments and concerned international organizations and agencies reports on the activities and findings of the Operation. Periodic briefings are delivered, both at Kigali and Geneva, to Governments and concerned international organizations.

14. In its monitoring work, the Operation accords priority to investigating reports of violations of the rights to life, physical integrity, liberty and security of the person, freedom of expression and association, freedom of movement, as well as the right to property where property disputes threaten to impinge upon these rights. Since the commencement of the Operation's activities, the findings of the human rights officers have served as a basis for the reports of the Special Rapporteur and are also made available by the High Commissioner, to the Secretary-General, Governments, United Nations agencies and intergovernmental and non-governmental organizations as appropriate.

15. The human rights situation of refugees and the conditions of detention remain of particular concern to the Operation.

Refugees

16. The Operation continues to play a vital role in repatriation and resettlement process. In this context, the Operation closely coordinates its activities with the Office of the United Nations High Commissioner for Refugees (UNHCR) in conformity with a memorandum of understanding between UNHCR and the Operation, designed to increase cooperation while reducing duplication of efforts. The Operation attempts to ensure that basic human rights are not violated at any stage of return, resettlement and reintegration, through: monitoring of conditions at principal frontier crossing points; processing in transit centres; treatment of refugees while they await transfer to communes; treatment of those placed in interim detention; and all aspects of reintegration into home communes. In this connection, the Operation evaluates the state of readiness of home communes to determine whether they are in a position to receive returnees, and assists these communes in the resettlement process. Once this process has been completed, the Operation monitors the subsequent treatment and security of resettled returnees.

17. For example, following the refoulement of more than 15,000 refugees from Burundi at the end of July 1996, more than 61,700 Rwandan returnees arrived voluntarily from refugee camps in Ngozi and Kirundo Provinces, Burundi, during August. The Operation, in conjunction with UNHCR, performed vital monitoring functions to help ensure the full observance of human rights during this return process. UNHCR has expressed its wish that the Operation continue to provide reports on the human rights situation in receiving communes and to assist in the repatriation, return and resettlement process, particularly in view of fresh indications that further mass return movements are likely to take place in the coming months.

Conditions of detention

18. From the outset, the Operation has remained seriously concerned about the conditions of detention in Rwanda. Unfortunately, efforts to solve this problem have not yet met with success, although in August 1996, certain encouraging signs have appeared with the promulgation of new laws relating to genocide trials to be conducted in Rwanda.

19. Prison overcrowding is linked to the circumstances of arrest and the subsequent review of evidence against detainees. Most of those currently detained have been arrested outside the procedures laid down in Rwandan law and no dossiers record the evidence against them. The Operation actively seeks to promote respect for legal procedures governing arrest and detention and urges the appropriate authorities to review promptly cases where arrests appear not to be based on strong indications of criminal responsibility.

20. The total detainee population in Rwanda at the beginning of October 1996 stood at more than 82,000. This represents an increase of more than 2,800 detainees during August 1996, exacerbating the already severe overcrowding in detention centres throughout the country. The Operation's officers visited the central prisons as well as most of the 182 communal detention centres and gendarmerie brigades. Cases of ill-treatment and an increase of violence against detainees were recorded by the Operation in almost all prefectures.

21. The Operation undertakes regular visits to prisons and detention centres. This work is carried out in close cooperation with the International Committee of the Red Cross (ICRC) on the basis of commonly agreed guidelines.

22. In August 1996, there have been encouraging signs that the system of the administration of justice, which had been completely destroyed in the 1994 civil war, is successfully being revitalized. This remains a critical step in ensuring perpetrators of serious violations of human rights and humanitarian law are brought to justice - a necessary condition to genuine conciliation within Rwanda. On 9 August, the organic law dealing with the prosecution of persons accused of genocide, crimes against humanity and related offences committed in Rwanda between October 1990 and December 1994 was passed by the Transitional National Assembly. It was approved by the Constitutional Court, promulgated as law on 30 August and came into force on 1 September. This law establishes procedures for the hearing of confessions, guilty pleas and admissions of culpability, the handing down of sentences, the creation and competence of specialized trial chambers, the right of appeal and the question of damages.

23. The Operation intends to monitor the genocide trials once they begin to ensure that the actual implementation of trial procedures conform to international human rights standards. Two new bills were tabled before the Transitional National Assembly: a law integrating the Convention on the Prevention and Punishment of the Crime of Genocide into the national Penal Code, and a law for the creation of a compensation fund for victims of genocide.

24. Nevertheless, there remains much to be done. The four appeal courts, for the most part, have not yet started to hear cases. The Kigali Court of Appeal recently completed taking an inventory of civil cases and heard some cases during August. However, judicial officials continued to be hindered in their work by the lack of logistical and material resources. Most prefectural commissions de triage (screening commissions) remained inactive, although technical subcommissions were recently put in place to prepare the review of case files. Arrests continue to be carried out in most prefectures by persons without legal authority to do so: conseillers de secteur, responsables de cellule and members of the Rwandese Patriotic Army. The increase in military search operations in some prefectures, combined with the absence of key judicial personnel, exacerbated the problem.

C. Promotion of human rights and efforts to rehabilitate the Rwandan justice system

25. In the last year, the Operation has either undertaken or provided assistance in a variety of technical cooperation projects. These projects have focused on four main areas, namely, rehabilitation of the justice system, the situation in prisons and detention centres and human rights education and promotion, particularly with regard to minority and vulnerable groups.

26. As regards rehabilitation of the Rwandan administration of justice, it should be recalled that Rwanda was left after the genocide with few judicial officials alive and a substantially destroyed judicial system. Re-establishment of the administration of justice is a requirement central to dealing with the

genocide and creating confidence in communities where survivors and returning refugees must live together under the rule of law. Closely related to this is the fostering of a strong human rights culture at different levels of society.

27. The Operation has participated in numerous conferences and courses in professional training schools, organized by other international or national agencies or bodies as well as non-governmental organizations on the question of revitalizing the administration of justice system.

28. Working closely with the Ministry of Justice, the Operation has provided advisory assistance concerning the planned prosecution of persons accused of genocide and other crimes against humanity, notably in the preparation of procedures for commencement of the trials and the establishment of a framework for the legal representation of the accused and persons bringing civil claims.

29. As regards the situation of prisons and detention, the Operation promotes respect for Rwandan law and human rights standards through efforts focused on establishing or re-establishing governmental and non-governmental institutions devoted to human rights protection. For example, the Operation has been closely involved in a joint project with the United Nations Development Programme (UNDP) regarding support for the Government's efforts to rehabilitate the justice system as well as with a joint UNDP/Swedish International Development Agency project concerning the expansion of capacity in prisons and transfer of detainees to larger facilities where necessary.

30. The Operation continues to conduct numerous seminars at the prefectural and communal levels to spread awareness on bringing arrest and detention procedures into full conformity with international human rights standards. In this connection, UNHCR has assisted the Operation to finance the production of videos to be used for training of law and order officials.

31. The Operation continues to participate in training at the National Gendarmerie School at Ruhengeri and has prepared training seminars for the gendarmerie and the Rwandese Patriotic Army on the role of the armed forces and law enforcement officials in the protection and promotion of human rights.

32. The Operation has also assisted the Ministry of Justice in developing a justice database necessary for the efficient processing of genocide cases through the courts. This database will also assist the Operation in monitoring trends and problem areas concerning arrest and detention. The trends that emerge from the data, once collected and analysed, will provide a basis for the Operation to work more effectively with national and local Rwandan authorities in order to deal with the problem of illegal or irregular arrests and detentions.

33. As regards human rights education and promotion and the rights of minority and particularly vulnerable groups, the Operation has organized and delivered a large number of human rights seminars throughout the country. Many of these have focused specifically on the rights of women and children; others have concerned the role of government officials and of journalists. A project for the creation of centres to provide legal and other advice to women at the commune level has been developed with local legal associations and competent

ministries. The Operation has worked closely with a number of Rwandan non-governmental organizations, and has promoted human rights standards and awareness through radio broadcasts, newsletters, theatre troupes and a weekly human rights club.

III. SERVICING OF THE HUMAN RIGHTS FIELD OPERATION IN RWANDA AND COORDINATION WITH BODIES ESTABLISHED BY THE SECURITY COUNCIL AND THE COMMISSION ON HUMAN RIGHTS

34. The Human Rights Field Operation in Rwanda continues to perform important servicing and coordination functions in relation to certain bodies established by the Security Council and the Commission on Human Rights.

35. With regard to the Special Rapporteur on Rwanda, special efforts were taken from the very outset of the Operation to provide all assistance required with a view to the fulfilment of the Special Rapporteur's mandate, entrusted to him by the Commission on Human Rights in its resolution S-3/1 of 25 May 1994. As the Operation became fully operational and as the amount of information gathered by field teams increased, a coordinator for the Special Rapporteur was appointed and selected in conformity with the Special Rapporteur's wishes, and his functions form an integral part of the Office of the Chief of Mission in Kigali. This coordinator ensures that in all activities of the Operation, due regard is accorded to the mandate and reporting responsibilities of the Special Rapporteur. In Geneva, the Special Rapporteur is also assisted by one Professional officer.

36. It may also be recalled that the Security Council requested, as a matter of urgency, the establishment of an impartial Commission of Experts to conduct an investigation into the violations committed in the territory of Rwanda during the 1994 civil war. This body, which was dissolved after having completed its functions, on 30 November 1994, was based in Geneva, in order to benefit from the resources of the High Commissioner and those made available to the Special Rapporteur on Rwanda. Accordingly, support and assistance to the Commission was provided by the Office of the United Nations High Commissioner for Human Rights entrusted with coordinating the activities of the Commission of Experts with those of the Special Rapporteur on Rwanda.

37. In accordance with the recommendation of the Commission of Experts, the Security Council decided in its resolution 955 (1994) of 8 November 1994, to create an international tribunal for Rwanda. The High Commissioner had several meetings with the Prosecutor of the Tribunal, during which he placed the services of the Operation at the Tribunal's disposal. The Operation continues to maintain ongoing contact and coordination with the Office of the Deputy Prosecutor with regard to all pertinent activities.

IV. THE FUTURE OF THE HUMAN RIGHTS FIELD OPERATION IN RWANDA

38. The Operation constitutes the largest United Nations presence in that country since the withdrawal of UNAMIR on 8 March. With a current staff strength of some 110 members, the Operation is in the unique position of being

able to monitor and report on the human rights situation in all 12 prefectures, take preventive action and carry out promotional work to meet the particular requirements on the ground.

39. It remains the deep conviction of the High Commissioner that meaningful and constructive change in Rwanda can be built only upon the foundations of full respect for human rights and the rule of law, and therefore, the Operation must remain an integral element of the multifaceted overall United Nations response to the challenges in Rwanda.

40. As planned from the outset of his duties, the former Chief of the Operation, Mr. Martin, left the Operation on 23 September 1996 after having served for one year. Under his competent direction, the work of the Operation has been further streamlined so as to improve the protection and promotion of international human rights standards throughout Rwanda. Mr. Javier Zuñiga (of Mexican nationality), formerly Director for Human Rights in the International Civilian Mission to Haiti, was appointed Chief of the Operation as of 23 September 1996.

41. Confidence-building remains an over-arching objective of the Operation, to which each of its areas of work contributes, and which in turn is crucial to the return of refugees. The continuation of the Operation's work is closely linked to the pattern of expected and actual return. It continues to cooperate closely with UNHCR and with the Ministry of Rehabilitation in assessing the state of readiness of home communes to receive returnees, and to assist those communes in the resettlement process. This role remains essential to ensuring basic human rights are respected at all stages of return, resettlement and reintegration.

42. The serious situation in prisons and local detention centres remains another priority for the Operation. As of the beginning of October 1996, the total number of detainees exceeded 82,000. Deaths and serious illnesses caused by severe overcrowding remain rampant. Human rights field officers undertake regular visits to prisons and detention centres. They record their observations regarding respect for international human rights standards, which are then taken up with the competent authorities giving priority to ensuring respect for basic judicial guarantees with regard to detainees. This work is carried out in close cooperation with ICRC on the basis of commonly agreed guidelines.

43. In this regard, as the judicial system begins to function, a major task will be observation of the genocide trials with a view to assisting the judiciary bring its procedures and practises into conformity with international human rights norms. This work will also help to devise assistance programmes that can help further strengthening of the administration of justice.

44. The question has been raised as to when the Operation can be scaled down. In the view of the High Commissioner, this time clearly has not come. It would be wholly unrealistic and even irresponsible to believe that, following the 1994 genocide which claimed the lives of between 500,000 and 1 million persons and involved substantial destruction of Rwanda's infrastructure as well as ensuing instability and violence arising from continuing insurgency and counter-insurgency operations, anything less than sustained remedial efforts can bring about long-lasting improvement in the human rights situation. In this

difficult context, short-term measures alone cannot be expected to bring about long-lasting change. Effective monitoring of the human rights situation coupled with comprehensive advisory and promotional activities focused on the areas of greatest and most urgent concern are required. Specifically, these efforts must focus on the establishment of a properly functioning justice system, including resolution of the many problems surrounding arrest and detention. It should also be kept in mind that the possibility of major refugee return remains contingent upon safe conditions within Rwanda, which can only be fostered through sustained confidence-building measures.

45. However, it is appropriate at this point to consider indices by which the Operation can be evaluated to have largely fulfilled the objects and purposes for which it was created. Although they do not exist in abstracto, nor can they be considered measurable in terms of strictly quantitative criteria, a number of qualitative indices can and should be identified. Among these indicators, the following should figure: substantial and regular respect for the right to life and physical integrity exercised by public agents of the Republic of Rwanda; effective functioning of the judicial system at all levels; conformity of arrest and detention practices with international human rights standards; and humane conditions of detention throughout Rwanda.

46. There can be no doubt that this point has not been reached. Unless there is radical improvement in the human rights situation in Rwanda, the comprehensive efforts of the Operation will have to be continued at least through 1997. Otherwise, the considerable commitment and investment made by the international community for the betterment of the human rights situation in Rwanda will certainly not bear the fruits towards which it has arduously strived.

Costs of the Operation

47. The Operation was, from its beginning in September 1994 to September 1996, financed mostly from voluntary contributions. As of 25 September 1996, $33.7 million has been pledged in cash and in kind, and $14.4 million has been received in cash. It is anticipated that the total expenditures until the end of 1996 will amount to $17.2 million.

48. It is estimated that, for the Operation to continue through 1997 at its current strength, approximately $10.2 million would be required. Tables 1 and 2 below indicate the estimated requirements for the Operation for 1997, table 3, the cost parameters employed in the calculation of these 1997 estimated requirements and table 4, the pledges and contributions.

Financing of the Operation

49. The High Commissioner wishes to express his gratitude to those Governments that have contributed to the voluntary funding of the Operation, and to the European Commission, which has provided and fully supported logistically a team of human rights field officers integrated fully into the Operation.

50. However, it would have been desirable if the Operation had been accorded access to regular budget funds. Voluntary contributions have never been

sufficient to sustain the Operation, notwithstanding strict measures to contain costs, including the use of United Nations Volunteers as the majority of field officers. Contributions have been unforeseeable, and have therefore not provided a basis on which sound planning could take place. Staff have only been able to be given contracts of abnormally short duration even for a field mission; this has posed difficulties in both recruitment and retention of staff, and the very high turnover experienced has been disruptive of sustained relationships of cooperation with the authorities and other organizations, as well as of the professional standards of the Operation.

51. Following consideration as to what viable alternatives might be possible, the High Commissioner created a yearly human rights fund for field activities of $25 million to minimize the instability and uncertainty that has complicated current field operations, and to ensure that, when called for in future, a human rights field operation could be deployed urgently, without unnecessary delay arising from financial constraints. The advantage of this fund, if adequately supported by members of the international community, is to pool resources for human rights field operations lending the flexibility required to allow rapid deployment or augmentation of an operation where needed urgently. The need for coherent planning and availability of a certain level of up-front funding can be crucial to the success of the international community in the effective implementation of international human rights norms through the field presence deployed by the High Commissioner. It would therefore be highly desirable from this point of view if States were to accord serious consideration to providing support to this fund with a view to the more coherent and effective protection and promotion of international human rights standards.

Notes

a/ This body was created on 1 July 1994 by the Security Council in its resolution 935 (1994) to determine individual responsibility for serious breaches of human rights and humanitarian law. Following completion of its work and submission of its reports to the Secretary-General, it was dissolved on 30 November 1994.

APPENDIX

Table 1. Estimated requirements for the year 1997

(United States dollars)

Account code and description		Total 1997 requirements
RYB-28032-030.	General temporary assistance	7 852 800
RYB-28032-040.	Consultants' fees and travel	25 100
RYB-28032-242.	Other official travel of staff	57 900
RYB-28032-300.	Contractual services	45 000
RYB-28032-400.	General operating expenses	565 400
RYB-28032-500.	Supplies and materials	166 700
RYB-28032-600.	Acquisition of furniture and equipment	304 100
Subtotal		9 017 000
13 per cent administrative support cost		1 172 200
Grand total		10 189 200

Source: Administrative Service, Human Rights Field Operation in Rwanda, 3 October 1996.

Table 2. Estimated requirements for the year 1997

(United States dollars)

Description	Amount	Total
A. Staff costs		
Salaries and common staff cost of 40 fixed-term human rights field officers	2 199 100	
Mission subsistence allowance	1 416 200	
Other costs: rotation of staff, home leave travel and rest and recuperation costs	336 000	3 951 300
60 General Service staff locally recruited (drivers, interpreters, guards, secretaries, etc.)	490 800	490 800
United Nations Volunteers:		
Salaries of 80 United Nations Volunteers human rights officers	2 328 000	
Other costs: rotation of United Nations Volunteers and rest and recuperation costs	472 000	2 888 000
Total field component		7 242 100
Geneva component:		
4 fixed-term backstopping officers	459 900	
2 General Service secretaries	150 800	610 700
A. Total staff costs		7 852 800
B. Operational costs		
Consultants' fees	25 100	
Official travel of staff	57 900	
Contractual services	45 000	
General operating expenses	565 400	
Supplies and materials	166 700	
Acquisition of furniture and equipment	304 100	
B. Total operational costs a/		1 164 200
Subtotal A + B		9 017 000
13 per cent administrative support costs		1 172 200
Grand total		10 189 200

Source: Administrative service, Human Rights Field Operation in Rwanda, 3 October 1996.

a/ Operational costs estimates based on the experience of 1996.

Table 3. Cost parameters used in calculation of 1997 estimates

(United States dollars)

	Amount	Total
A. Staff costs		
1. Field component		
(a) 40 human rights fixed-term staff members		
(i) Net base salary of P.3/IV D at $43,983 per year	1 759 300	
(ii) Common staff costs (25%) at $10,996 per year	439 800	2 199 100
(iii) Mission subsistence allowance of $97.00 per day	1 416 200	
(iv) Rotation of staff (25%) of travel on appointment and separation. Average of $5,600 x 10 staff members	56 000	
(v) Home leave travel of $2,500 x 40 staff members	100 000	
(vi) Rest and recuperation, 5 trips x $900 x 40 staff members	180 000	1 752 200
Subtotal (a)		3 951 300
(b) 60 General Service staff locally recruited at a monthly cost of $40,900 x 12 months	490 800	490 800
Subtotal (a) + (b)		4 442 100
(c) 80 United Nations Volunteers human rights officers		
(i) Based on a net monthly payment of $2,425	2 328 000	
(ii) Rotation of United Nations Volunteers (25%) on travel (appointment and separation) at $5,600 x 20 United Nations Volunteers	112 000	
(iii) Rest and recuperation, 5 trips x $900 x 80 United Nations Volunteers	360 000	2 800 000
Total field component		7 242 100

	Amount	Total
2. Geneva component		
(a) 4 backstopping officers on fixed-term contracts		
(i) Net base salary P.3/IV D at $43,983 per year	175 900	
(ii) Geneva post adjustment of $48,000 per year	192 000	
(iii) Common staff costs (25%) at $22,996 per year	92 000	459 900
(b) 2 General Service locally recruited secretaries, fixed-term contracts		
(i) Net salary (G.4/II) at $60,309 per year	120 600	
(ii) Common staff costs (25%) at $15,077 per year	30 200	150 800
Total Geneva component		610 700
A. Total staff costs		7 852 800
B. Operational costs		
Consultants' fees	25 100	
Official travel of staff	57 900	
Contractual services	45 000	
General operating expenses	565 400	
Supplies and materials	166 700	
Acquisition of furniture and equipment	304 100	
B. Total operational costs a/		1 164 200
Subtotal A + B		9 017 000
13 per cent administrative support costs		1 172 200
Grand total		10 189 200

Source: Administrative service, Human Rights Field Operation in Rwanda, 3 October 1996.

a/ Operational costs estimates based on the experience of 1996.

Table 4. Statement of pledges and contributions as at 3 October 1996

Countries	Currency and amount	In cash or in kind (equivalent United States dollars)	Cash payment effected (United States dollars)	Other services provided plus remarks
Australia	A$ 100 000	63 500	73 690.00	
	A$ 200 000	146 000	145 800.00	
	A$ 200 000	156 250	159 600.00	Contribution received on 17 May 1996
Austria	S 500 000	45 000	46 643.97	
Belgium	BF 15 000 000	465 800	523 098.52	
	BF 15 000 000	508 474	504 832.98	Contribution received on 6 March 1996
Canada	Can$ 100 000	68 376	66 500.00	
	Can$ 500 000	367 000 a/		Contribution pending
Denmark	US$ 100 000	100 000	100 000.00	
	US$ 100 000 a/	100 000	100 000.00	Contribution received on 12 February 1996
	US$ 900 000 a/	450 000		Contribution pending
Finland	Fmk 400 000	75 600	83 267.41	One investigator for one and a half months
	Fmk 450 000	100 000	95 557.63	Contribution received on 17 June 1996
France	FF 1 200 000	233 100	190 476.19	
			40 899.80	
Germany	DM 314 704	201 700	119 949.36	Office building in Kigali
			93 126.28	
	DM 500 000	352 112	349 650.35	
	DM 300 000	196 100 a/		Contribution pending
Ireland	£Ir 50 000	79 500	79 547.71	
	£Ir 50 000	76 923	80 930.00	
	US$ 124 049	124 049	124 049.00	For the support of technical cooperation activities in Rwanda. Contribution made in November 1995
Italy	Lit 200 million	123 333	123 333.00	For technical assistance programme. Contribution made in December 1994
Israel	US$ 10 000	10 000	10 000.00	
Japan	US$ 500 000	500 000	200 000.00	
			300 000.00	
Liechtenstein	SwF 10 000	8 772	8 771.93	
Luxembourg	LuxF 550 000	17 000	16 791.67	

Countries	Currency and amount	In cash or in kind (equivalent United States dollars)	Cash payment effected (United States dollars)	Other services provided plus remarks
Netherlands	f. 75 000	42 600	44 640.00	One prosecutor, one forensic doctor and three criminal investigators for three months
	f. 1 350 000	798 800	764 439.41	
	f. 1 000 000	621 118	619 224.14	
	f. 2 500 000	1 552 795	1 531 779.66	Contribution received on 15 March 1996
	US$ 149 400	149 400	-	Three United Nations Volunteers during 12 months
New Zealand	NZ$ 50 000	29 600	29 597.74	
Norway	NKr 700 000	101 700	105 616.55	Plus two procurement experts and two criminal investigators for three months
	NKr 1 000 000	153 139	157 978.08	Contribution received on 15 March 1996
	US$ 300 000	300 000	300 000.00	Contribution received on 3 October 1996
South Africa	R 150 000	42 000	41 694.91	Contribution received on 21 March 1996
Spain	US$ 9 880	9 880	9 880.00	Two forensic doctors for two months and one prosecutor for one month
	US$ 208 000	208 000	-	Eight United Nations Volunteers for six months
	US$ 150 000	150 000	-	For additional United Nations Volunteers
	US$ 200 000	200 000	-	Eight United Nations Volunteers during 12 months in 1996
Sweden	SKr 1 000 000	129 500	137 631.25	
	SKr 2 000 000	298 500	300 075.02	Contribution received on 23 July 1996
Switzerland	SwF 100 000	75 758	75 757.58	Plus one criminal investigator for nine months
	SwF 150 000	113 636	113 636.36	
	SwF 700 000	555 000 a/		Contribution pending

Countries	Currency and amount	In cash or in kind (equivalent United States dollars)	Cash payment effected (United States dollars)	Other services provided plus remarks
United Kingdom of Great Britain and Northern Ireland	£ 250 000	383 200	383 155.00	Plus four vehicles in Kigali
	£ 2 000 000	3 200 000	3 223 000.00	
	£ 1 000 000	1 500 000	1 525 000.00	Contribution received on 3 April 1996
United States of America	US$ 750 000	750 000	-	Payment made to UNDP New York for 25 United Nations Volunteers for six months (total $750 000)
	US$ 50 000	50 000	50 000.00	Five criminal investigators for three weeks plus airlift of vehicles from Kuwait to Kigali
	US$ 500 000	500 000	500 000.00	
	US$ 1 000 000	1 000 000	1 000 000.00	Contribution received on 28 June 1996
United States Agency for International Development	US$ 254 616	254 616 a/		Contribution in process
State Department	US$ 350 000	350 000 a/		Contribution pending
Others				
European Union	ECU 6 000 000 - 1995	7 710 000	-	Contribution consist in provision of fully equipped officers in 1995 and 1996 (until 31 December 1996)
	ECU 6 000 000 - 1996	7 614 000		
United Nations Development Programme	US$ 250 000	250 000	-	Recruitment of United Nations Volunteers
Agency for Cultural and Technical Cooperation in Africa, Paris	US$ 180 000	180 000	159 617.65	
OXFAM	£ 50 000	80 000	-	In kind three vehicles provided in Kigali
Individuals	FF 1 000 + US$ 200	400	395.31	
Total	-	34 053 831	14 709 634.46	

Source: Administrative Service, Human Rights Field Operation in Rwanda, 3 October 1996.

a/ Over two years.

UNITED NATIONS

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Mr. Maurice Danby Copithorne (Canada), Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with paragraph 13 of Commission on Human Rights resolution 1996/84 of 24 April 1996 and Economic and Social Council decision 1996/287 of 24 July 1996.

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INTERIM REPORT ON THE SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN, PREPARED BY THE SPECIAL REPRESENTATIVE OF THE COMMISSION ON HUMAN RIGHTS IN ACCORDANCE WITH COMMISSION RESOLUTION 1996/84 AND ECONOMIC AND SOCIAL COUNCIL DECISION 1996/287

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I. INTRODUCTION

1. In March 1996, the Special Representative submitted his first report to the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1996/59). The Special Representative noted that the Commission had first established the position in 1984 and that there continued to be a very great interest in the subject from many quarters. The Special Representative pointed out the danger, in the Iranian context, of human rights becoming a vehicle for political ends rather than an end in themselves. He noted that his view of his function was to bring the status of human rights in Iran into clear focus, providing at the same time an indication of areas in which progress was being made and areas in which further progress was needed. On the matter of his visit to Iran in February 1996, the Special Representative noted that this could only be an introduction and that he looked forward to another longer visit within 12 months to deepen his understanding of Iran, particularly by broadening his range of contacts and visiting places outside of Tehran.

2. The Special Representative does not believe it appropriate in his interim report to go over the same ground covered in his report to the Commission on Human Rights. He does, however, wish to update it in a number of respects, to describe the human rights situation in Iran as it seems to have developed in the intervening months, and to draw some conclusions as to present conditions.

II. SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES

3. The Special Representative visited the Islamic Republic of Iran from 9 to 16 February 1996. An account of that visit is given in the Special Representative's first report to the Commission on Human Rights (E/CN.4/1996/59), which was personally submitted on 16 April 1996. The Special Representative returned to Geneva from 28 to 31 May 1996 and from 26 to 30 August 1996 in order to conduct a number of consultations, to participate in the third meeting of special rapporteurs and special representatives, experts and chairmen of working groups of the Commission on Human Rights, which took place from 28 to 30 May 1996, and to draft the present interim report to the General Assembly. While in Geneva, the Special Representative held consultations with representatives of the Islamic Republic of Iran, officials of the office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, officials of the Office of the United Nations High Commissioner for Refugees (UNHCR) and representatives of several non-governmental organizations. He also received representations from interested persons concerning human rights violations in Iran. On 2 and 3 September 1996, the Special Representative held conversations in Vienna with senior officials of the Crime Prevention and Criminal Justice Branch.

4. In seeking to fulfil his mandate, the Special Representative has looked to many sources for information including the Government of the Islamic Republic of Iran; other Governments; individuals both within and outside Iran; non-governmental organizations (NGOs); and the media. In Geneva, the Special Representative held interviews with representatives of several NGOs, among them,

Amnesty International, Baha'i International Community, Democratic Party of Iranian Kurdistan (DPIK), Human Rights Watch/Middle East, International Commission of Jurists, International Educational Development, Inc., League for the Defence of Human Rights in Iran, National Council of Resistance of Iran, Organization for Defending Victims of Violence and Organization of Iranian People's Fedaian (Majority).

III. RECENT DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION

A. Democracy

5. In his 1996 report to the Commission on Human Rights, the Special Representative noted that a general election campaign was under way when he visited Iran in February 1996 and that while he was completing his report to the Commission, a number of allegations were brought to his attention concerning the process by which candidates were approved by the Council of Guardians. The elections themselves, held in two rounds on 8 March and 19 April, were marked by apparent irregularities in eight ridings which led to the nullification of the results by the Council of Guardians. Such constituencies are for the moment unrepresented in the new Fifth Majlis. Many observers believe these elections were laying the ground for next year's presidential elections.

6. Various allegations have been made by opposition groups and others against the Council of Guardians for nullifying the elections in these ridings. According to the official Iranian news agency, IRNA, the Governor General of Isfahan Province had earlier expressed the hope the elections would not be nullified. He noted that 63 per cent of the eligible voters in his Province had participated in the election compared with only 35 per cent for the last Majlis elections. He added that the administrators of the elections had closely collaborated with election supervisory commissioners to ensure "a healthy conduct of the elections". In its action the Council of Guardians accused some candidates of using anti-revolutionary slogans, making "illusory promises" and of buying votes. It is reported that the Iranian electoral law provides for annulment only in the case of fraud. Finally, there were reports that police had broken up demonstrations in Bonab, a city in north-western Iran, over the Government's handling of the elections and that a number of people had been killed.

7. The Special Representative hopes to discuss these allegations and concerns with Iranian election officials on another visit to Iran.

B. Social climate

8. The Special Representative believes there have been a number of indications that the social climate in the Islamic Republic is becoming less tolerant. The Iranian and foreign press have reported that, in the name of combating "social corruption" and "decadent westernization", both government and non-governmental entities have engaged in activities such as:

- The Government

  (a) The reported closure of several newspapers by the authorities, as well as charges concerning the publication of false information and of "weakening the foundation of the Islamic Republic" brought against the editor of Kiyan, a publication critical of government policies;

  (b) The launching of a new television programme "Hoviyat" (Identity) with the apparent objective of categorizing targeted intellectuals as social misfits or foreign spies, and the demand of an editor, Ezzatollah Sanabi, that he be given a right of reply;

  (c) The apparent campaign to purge from the university system those persons "who fight against the sanctities of the Islamic system";

  (d) The breaking up by the authorities of an informal gathering of writers to protest the intolerant atmosphere with the threat that if such meetings were held again, those concerned will be detained;

- Actions by non-governmental groups

  (e) Several physical attacks on movie theatres in protest against the showing of films judged by the attackers to be "contrary to Islamic and religious values" and "decadent". In some cases, injuries were reported to have occurred among patrons;

  (f) Forceable interventions to break up private social functions which on occasion resulted in death;

  (g) The disruption of memorial services for prominent literary figures;

  (h) The disruption of meetings to be addressed by prominent dissidents such as philosopher Abdol Karim Soroush, who, it is noted, has demanded that the Government take the measures necessary to protect freedom of speech for Iran's academics and intellectuals.

9. The Special Representative notes these developments with considerable concern not least because some of them are being carried out by agencies of the Government while others are carried out by non-governmental groups but with government forces refusing to intervene. The Special Representative believes the Government must take the lead in curbing such activities and that it could show its commitment to do so by more actively condemning them and secondly tasking government security forces to actively intervene to prevent such incidents. During another visit to Iran, the Special Representative intends to pursue these reports and discuss their implications with the Iranian authorities.

C. Judicial, legal and penal practices

10. In his 1996 report to the Commission on Human Rights, the Special Representative referred to prospective changes to the Ta'zirat (discretionary and preventive punishments) of the Law of Islamic punishments (E/CN.4/1996/59, paras. 42-50). According to press reports, the new provisions came into effect on 9 July 1996. It has been noted elsewhere that in accordance with article 167 of the Constitution of the Islamic Republic of Iran, the Law of Islamic punishments is to be considered only as a guide to judges. The Special Representative places a high priority in having a full discussion of these new Ta'zirat provisions and more generally of the Law of Islamic punishments, in meetings with the Iranian judicial officials during a second visit to the country.

11. In the meantime, the Special Representative would note that according to the best information he has received, the punishment regime in Iran would seem to have been significantly toughened.

12. According to information published in the Iranian and international press, at least 66 persons were executed in the Islamic Republic of Iran during the period 1 January-31 August 1996. This is a significant increase over the figure of 50 persons executed that was noted by the Special Representative for 1995 (E/CN.4/1996/59, para. 46). Of those executed, 30 persons were reportedly hanged and 2 persons stoned to death. Two persons were executed after receiving lashes. At least 13 executions took place in public. Thirty-two persons were executed after being found guilty of common crimes (assassination, premeditated murder, armed robbery, kidnapping, etc.); 11 on charges of drug trafficking; 5 on charges of premeditated murder and adultery and attempts against public chastity; 13 on charges of spreading corruption on earth and establishing centres for moral corruption; and 5 after being found guilty of membership in and activities on behalf of armed opposition groups and espionage. The cases reported in the Iranian and international press are described in annex IV.

13. The Special Representative would particularly note the following:

(a) The execution on 28 July 1996 of Mr. Rahman Radjabi Hamvand. The Special Representative requested information on the case of this person in February 1996 while he was in Tehran and sent two letters, dated 7 May and 19 July 1996, requesting the Government to ensure that this person could fully benefit from all the internationally recognized procedural safeguards (see paras. 37 (c) and (e) below and E/CN.4/1996/59, para. 86 (b));

(b) The execution on 22 June 1996 of Mr. Mehrdad Kalany, sentenced to death on charges of, inter alia, "meeting and talking with Mr. Galindo Pohl and the accompanying delegation". In a letter dated 11 June 1996, the Special Representative reminded the Government of the terms of reference for fact-finding missions by representatives and rapporteurs of United Nations human rights bodies and referred to Commission on Human Rights resolution 1996/70 (see para. 37 (d) below). On 9 August 1996 the Special Representative again wrote to the Government requesting detailed information on the circumstances of the trial and execution of Mr. Kalany (see para. 37 (g) below). No reply was received from the Government to these communications. It should also be mentioned that

the Special Representative received a letter from Mr. Kalany dated end of March 1996 written in Evin prison in Tehran. In that letter Mr. Kalany made reference to the conditions of his detention in solitary confinement in Asayeshgah section of Evin prison;

(c) The execution on 22 June 1996 of Mr. Ahmed Bakhtiari, an agricultural engineer and a member of the Iranian People's Fedaian Organization (Minority). The Special Representative was able to hold a private meeting with Mr. Bakhtiari during his visit to Evin prison in Tehran on 13 February 1996 (see E/CN.4/1996/59, paras. 97 (b) and 98 to 100).

14. During his February 1996 visit to Iran, the Special Representative requested the Government to provide official information on the number of executions that had been carried out since the beginning of the Iranian year 1373. No response has so far been received to the Special Representative's request for statistics for the entire country, although this information has been provided with regard to the persons executed in Tehran Province on drug-trafficking charges during 1995 (see E/CN.4/1996/59, para. 47).

D. Pressure on relatives

15. The Special Representative has received a number of reports of harassment or intimidation of relatives in Iran of political dissidents or sympathizers living abroad. Among these are the following cases:

(a) Marzieh, a popular Iranian singer, aged 72, whose departure from Iran in 1994 reportedly led to the harassment of her daughter in Tehran and whose son was allegedly induced, by government agents, to precipitate a public incident at a Marzieh concert in London, in June 1996, claiming that his mother was a prisoner of an opposition group;

(b) Mrs. Ashrafossadat Mir-Hosseini, aged 58, former university professor and a retired civil servant of the city of Ramsar, Mazandaran Province, who was reportedly arrested on 6 April 1996 in Ramsar because of her sister's activities, Ms. Akram Mir-Hosseini, who is president and founder of the Ligue des Femmes Iraniennes pour la Démocratie, a women's non-governmental organization registered in France. The Special Representative was informed that Mrs. Ashrafossadat Mir-Hosseini, who had reportedly never carried out political activity in Iran, has been interrogated several times during the last four years by Iranian Security Service agents on the activities carried out in France by her sister. The Special Representative appealed to the Government, on 19 April 1996, to ensure that, in case this person should continue to be detained, she could fully benefit from all the internationally recognized procedural safeguards (see para. 37 (a) below);

(c) Mohammad Taghaddossi, an Iranian opera singer whose relative was reportedly detained in December 1995 at the Tehran airport and put under pressure to ask him to stop performing abroad for an opposition group;

(d) Mr. Abbas Minachi Moghaddam, whose relatives in Iran were told that he was imprisoned outside of Iran in a jail belonging to an opposition group.

Mr. Minachi Moghaddam was received by the Special Representative in Geneva on 27 August 1996 and denied the allegations of imprisonment.

16. Other Iranian refugees resident in European countries have stated before the Special Representative that they are receiving telephone calls from their relatives in Iran urging them to abandon their activities in favour of opposition groups, or to return to Iran. According to these testimonies, the voice and expressions used by the relatives suggested that they were under surveillance or were reading prepared texts.

E. Violence outside the Islamic Republic of Iran

17. In his report to the Commission on Human Rights, the Special Representative noted that he had been presented with statistics suggesting that politically motivated violence against Iranians outside the country was continuing unabated. He referred to a number of specific recent cases. According to recent information received by the Special Representative, this trend is continuing. The Special Representative again records his concern at this trend and will raise this subject with Iranian officials on another visit to the country.

18. The following cases have been brought to the attention of the Special Representative:

(a) The assassination in Paris at the end of May 1996 of a former Vice-Minister of Education in the Shah's Government, Mr. Reza Mazlouman;

(b) Reuters report of 7 March 1996 that Hamed Reza Rahmani, a member of the People's Mojahedin Organization, was machine-gunned on that day in Baghdad;

(c) Reuters dispatch dated 18 March 1996 quoting the Democratic Party of Iranian Kurdistan to the effect that four of its members were shot on that day in a village near the city of Erbil in northern Iraq. The names of those killed were Osman Rahimi, Taher Azizi, Hassan Ebrahimzadeh and Faramarz Keshavarz;

(d) Representatives of the Democratic Party of Iranian Kurdistan informed the Special Representative that, on 21 April 1996, Iranian government agents driving a Red Crescent Society ambulance entered an Iranian Kurdish refugee camp in Bainjan, Sulaymaniyah Province, in Iraqi Kurdistan. One person was captured by the camp guards and stated that they had been dispatched by agents of the Iranian Ministry of Intelligence to carry out activities against Iranian refugees;

(e) Representatives of the Democratic Party of Iranian Kurdistan also reported that, on 27 July 1996, combat troops from the Islamic Revolution Guard Corps attacked the bases of the party and a refugee camp in the Iraqi towns of Koy-Sandjak and Hermutah, killing two Iraqi women, destroying 400 shacks and the Azadi Hospital, and forcing 1,500 Iranian Kurdish refugees to evacuate the zone in direction of Erbil. Iranian troops were withdrawn four days later. Other sources suggest the attack was in response to a Democratic Party of Iranian Kurdistan attack against the village of Kargar Olia in western Iran, during which a number of Iranian troops and Democratic Party combatants were killed;

(f) The murder in Karachi, Pakistan, on 4 March 1996, of two Iranian Sunni clergymen was also reported. Abdol-Malek Mollahzadeh, aged 45, and Abdol-Nasser Jamshid-Zehi, aged 25, were shot dead by four individuals in the Liari district of Karachi.

19. In addition, there have been certain developments with regard to ongoing cases of extraterritorial violence:

(a) In March 1996, it was reported in the press that the Federal Court of Justice in Karlsruhe, Germany, had issued a warrant for the arrest of Ali Fallahian, a Minister in the Government of the Islamic Republic, in connection with the September 1992 assassination of four Iranian Kurdish dissidents in Berlin, the so-called Mykonos affair;

(b) A government prosecutor's report in Turkish, with translation, in the case of the assassination of Zahra Rajabi and Abdul-ali Moradi was submitted to the Special Representative. The report asserts a connection between these assassinations and officials of one of the government departments of the Islamic Republic;

(c) Associated Press dispatch from Rome dated 15 July 1996 in the matter of the 1993 assassination of Mohammad Hussein Naghdi, an Iranian opposition figure, stating that a judge had postponed a hearing to decide whether two Algerians and an Iranian should stand trial for the murder. Lawyers for the victim's relatives were said to have urged Italian authorities to bring to justice a fourth person, "an Iranian whose diplomatic immunity would keep him from being prosecuted".

20. According to a press report, in March 1996 police in Antwerp, Belgium, intercepted a shipment of arms on an Iranian vessel. According to the report, police investigators discovered a mortar bomb and a 322-millimetre mortar capable of carrying an explosive load of 125 kilos over a range of 650 metres. It has been stated that some 20 such mortar bombs were known to have been manufactured in Iran; this is the second to have been discovered. The target, it is alleged, was to have been the well-guarded headquarters of an Iranian opposition group in Paris.

F. Situation of Iranian refugees and asylum-seekers abroad

21. The Special Representative received information that during 1995 40 UNHCR-recognized refugee applicants were deported from Turkey to Iran. In addition, at least 14 Iranian asylum-seekers who had not been given the opportunity to undergo UNHCR's refugee determination procedures were also deported. In the first eight months of 1996, eight Iranian refugees were reportedly deported to Iran (see para. 37 (b) below, concerning the case of Mr. Kavoussi).

22. The Special Representative is following this matter with particular attention and considers that in no circumstances should a non-fulfilment of formal domestic requirements lead to a deportation or refoulement.

G. Situation of the Baha'is

23. The Special Representative has continued to receive reports of cases of grave breaches of human rights of the Baha'is in Iran and of situations of discrimination against the members of this religious community.

24. According to the information received, nine Baha'is continue to be held in Iranian prisons because of their beliefs, among them, Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi, who were visited by the Special Representative in Evin prison in February 1996. The Special Representative was informed that after his visit, on 18 February 1996, the Supreme Court confirmed the death sentences against them and conveyed the information to the Islamic Revolutionary Court. They have written to the Attorney-General asking for the verdict to be rescinded. The charge of apostasy against Ramidan'Ali Dhulfaqari has not been dealt with. The situation of another person charged with apostasy, Dhabihu'llah Mahrami, remained in doubt as the civil court that was to issue a new verdict has not done so (E/CN.4/1996/59, paras. 70 and 71). The Special Representative was recently informed that Mr. Musa Talibi has been condemned to death by the Islamic Revolutionary Court of Isfahan on charges of apostasy. He had been previously sentenced to one and a half years' imprisonment because of his membership in the Baha'i community. However, the assistant to the public prosecutor made an objection to the lightness of the sentence stating that no consideration had been given to the fact that he was an apostate. Mr. Talibi has appealed the death sentence and his case is before the Supreme Court. Another Baha'i, Mr. Bakhshullah Mithaqi, who was supposed to be released in August 1996 according to his sentence, continues to be held in prison.

25. Cases of discrimination against Baha'is in the Iranian court system continue to be reported. In one case related to the death of a Baha'i in a car accident, officials of Branch number 2 of the Public Court of the city of Ray, Qazavi, in a 28 January 1996 sentence, stated that although the driver of the car was found guilty of involuntary manslaughter, the relatives of the victim were not entitled to receive compensation because the victim was a Baha'i. Instead, the defendant was sentenced to make a payment to a government fund. The sentence was said to be based "in the Islamic jurisprudence and page 559 of Tahriru'l-Vasilih, section 31, principle 297 of Islamic Penal Law, according to which only Muslim victims are entitled to blood money". In another verdict, issued in March 1996 by the Court of Ashtiyan, the relatives of a murdered Baha'i were considered not entitled to receive financial compensation, "since the victim was, in accordance with the statements of his father and the people in the area in which he performed his services, and his identification documents, a follower of the Baha'i sect". However, the accused was sentenced to three years in prison under principle 207 of the Islamic Penal Code.

26. The Special Representative was informed that private property belonging to Baha'is in Yazd continues to be confiscated; that Baha'i students were still not being accepted by Iranian universities and that those Baha'is who were dismissed still have no right to pensions. During 1995, there were more than 150 cases of confiscation of property belonging to Baha'is over the country. Recently, Baha'i youth have been denied access to the fourth year of high school, to which they had up to now been admitted.

27. The Special Representative notes with deep concern the statement, as reported in the press, of Ayatollah Yazdi on 14 May 1996 that, "although religious minorities in Iran fully enjoy of their rights and liberties, Baha'ism is not a religion but an organized espionage ring". The Special Representative would reiterate his view that the situation for the Baha'is in the Islamic Republic can improve only if there is a significant change in attitude towards them on the part of the Iranian authorities.

H. The fatwa against Salman Rushdie

28. The Special Representative understands that negotiations continue between the European Union and the Government of the Islamic Republic of Iran on this subject. He notes that according to press reports, senior government figures of the Islamic Republic have declared that the Government itself would not take steps to enforce the fatwa imposed by the late Ayatollah Khomeini. He also understands that there remain significant problems such as the inclusion of specific reference to the fatwa in the proposed understanding on this subject.

29. The Special Representative has also noted the Agence France-Presse report that Ayatollah Yazdi had stated on 21 April 1996: "The fatwa applies to all Muslims and will eventually be carried out one day, at the appropriate time. The Rushdie matter will be resolved through application of the fatwa. We cannot resolve it through negotiations or under pressure from this or that country. The fatwa creates an obligation for Muslims in their personal capacity, not for States."

30. In his report to the Commission on Human Rights in February 1996, the Special Representative made clear his condemnation of the threats upon the life of Mr. Rushdie.

I. Information on prisoners

31. The Special Representative has received reports that Shahram Sepehri-Fard, an Iranian Muslim convert to Christianity as a child and an ordained Presbyterian minister, had been arrested in early July 1996 and apparently interrogated about alleged involvement in espionage and adultery. It is also reported that Mr. Sepehri-Fard was subsequently found innocent of all charges by a military court in Tehran on 10 August 1996 and was to be released.

32. The Special Representative has received reports that one additional cleric was arrested in February 1996, Grand Ayatollah Yaqoubodin Rastaghari, a cleric who had been arrested on several previous occasions. Subsequently, the Special Representative received reports of additional detentions in June. The names mentioned were: Seyyed Mehdi Shirazi, a son of Grand Ayatollah Mohammad Shirazi, and Ali al-Rumaisai, Sheikh Hussain Dhaakeri, and Sheikh Azizollah Hassani, all three members of the staff of Grand Ayatollah Mohammad Shirazi.

33. Still later, the Special Representative received reports that in August 1996, 10 clerics and their supporters, arrested in late 1995 and early

1996, had been released. The names of those released were given as: Hujjatol Islam wal Muslimin Hassani; Hujjatol Islam Sheikh Hussain Dhaakeri; Hujjatol Islam Sayyed Abbaas Moosawi; Hujjatol Islam Sheikh Jafar Ghani; Jalal Aakhoond; Ahmed Aakhoond; Ayaad Foojeyan; Hujjatol Islam wal Muslimin Sheikh Abdol Rahman al-Haa'eri; Hujjatol Islam wal Muslimin Seyyed Abdol Rasool Moosawi; and Hujjatol Islam Sheikh Muhammed Ali Ma'ash.

J. Prisoners of war

34. There have recently been exchanges between the Government of the Republic of Iraq and the Government of the Islamic Republic of Iran concerning allegations that each side is still holding prisoners of war eight years after the ceasefire between the two countries. On 26 May 1996, IRNA, the Islamic Republic's news agency, carried a report that the head of the Iranian Special Commission for Prisoners of War had noted that four rounds of talks had been held between Iran and Iraq on this matter in the past year. He said that agreement had been reached but that the "absence of practical measures for implementing the accord lies in lack of authority on the part of the Iraqi delegation". He expressed the hope that "a fifth round of talks would solve the problem". Subsequently, an Iranian official stated that some 700 Iranian prisoners of war were still being held in Iraq. On 4 July 1996, the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva issued a press release stating that "Iran was holding more than 20,000 Iraqi prisoners of war and that the fate of about 60,000 missing Iraqis was still unknown". The press release stated that, in August 1990, Iraq had honoured its obligations by releasing all the prisoners of war under the auspices of the International Committee of the Red Cross (ICRC), except for those who refused to return to Iran. The press release went on to say that "Iran, for its part, continued to hold Iraqi prisoners of war". On the following day, an Iranian official reiterated that there were 700 Iranian prisoners of war still being held in Iraq, prisoners which had been segregated from the rest of the Iranian prisoners of war and transferred to other detention camps.

IV. STATUS OF WOMEN

35. In his report to the Commission on Human Rights, the Special Representative reported on his discussions on this subject in the course of his visit to Iran in February 1996 (E/CN.4/1996/59, paras. 58 to 64). He summarized the debate that seems to be going on about the status of women in Muslim countries, particularly in the Islamic Republic of Iran. He noted that there seemed to be some areas in which an improvement of the status of women is actively being discussed, although not necessarily at the level of government policy. He suggested that on the basis of some of these conversations, there was considerable room for the Government to make changes without such changes necessarily being viewed as an infringement of religious precepts. Finally, the Special Representative concluded that in his view, the status of women in the Islamic Republic of Iran is indeed not equal to that of men in very many ways, and that leadership for change would have to come from political elites.

36. Since that report, many incidents have been brought to the attention of the Special Representative. Further inquiry and, in particular, discussion with both Iranian political elites and with Iranian women is high on the Special Representative's agenda for another visit to Iran.

V. SPECIAL REPRESENTATIVE'S CORRESPONDENCE WITH THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

37. The Special Representative addressed the following letters to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

(a) Letter dated 19 April 1996 requesting information on the arrest of Mrs. Ashrafossadat Mir-Hosseini, which took place on 6 April 1996 in the city of Ramsar, reportedly in connection with the activities of her sister, Mrs. Akram Mir-Hosseini, who is president and founder of the Ligue des Femmes Iraniennes pour la Démocratie (see para. 15 (b) above). The Special Representative appealed to the Government to ensure that, in case this person should continue to be detained, she could fully benefit from all the internationally recognized procedural safeguards;

(b) Letter dated 7 May 1996, requesting information on the legal status and whereabouts of Mr. Mehrdad Kavoussi, a sympathizer of the National Council of Resistance of Iran registered as an asylum-seeker by the UNHCR office in Turkey, who was deported to Iran by Turkish authorities on 25 April 1996. The Special Representative requested the Iranian Government to ensure that, in the event that this person was in detention, he could fully benefit from all the procedural safeguards provided for in the International Covenant on Civil and Political Rights, including access to legal assistance and the prevention of ill-treatment or torture. In a letter dated 11 July 1996, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva replied that Mr. Kavoussi departed on 17 June 1996 from Tehran to Turkey with an Iranian passport issued at his request (for the text of this letter see annex II). Mr. Kavoussi subsequently met with the Special Representative on 27 August 1996 in Geneva;

(c) Letter of the same date (7 May 1996) requesting information about the current situation of Mr. Rahman Radjabi Hamvand, a member of the Democratic Party of Iranian Kurdistan, detained in Darya prison in Orumiyeh and sentenced to death (see para. 13 (a) above and E/CN.4/1996/59, para. 86 (b)). The Special Representative requested the Government to ensure that this person could fully benefit from all the procedural safeguards provided for in the International Covenant on Civil and Political Rights and in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, entitled "Safeguards guaranteeing protection of the rights of those facing the death penalty". According to the information received by the Special Representative, this person's trial was initiated by a private complaint of an individual who reportedly had personal differences with him but who subsequently renounced his complaint. It was also alleged that Mr. Radjabi Hamvand had not committed any assassination (see para. 37 (e) below);

(d) Letter dated 11 June 1996 concerning Mr. Mehrdad Kalany, son of Ali-Akbar, a sympathizer of the National Council of Resistance of Iran, alleging that he was arrested for, among other things, meeting with the Special Representative's predecessor, Mr. Reynaldo Galindo Pohl, on 22 January 1990 in Tehran, and that, while leaving the United Nations Development Programme office from that meeting, he was arrested (see para. 13 (b) above). He was convicted and sentenced to death by Branch 2 of the Islamic Revolutionary Court of Tehran in January 1993. Among the charges was "meeting and talking with Mr. Galindo Pohl and the accompanying delegation". The Special Representative reminded the Government of the terms of reference for fact-finding missions by Special Rapporteurs/Representatives of the United Nations Commission on Human Rights and referred to Commission resolution 1996/70 of 23 April 1996 which, inter alia, urges Governments to refrain from all acts of intimidation or reprisal against those who have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them. The Special Representative asked the Government to investigate this situation as a matter of priority (see para. 37 (g) below);

(e) Letter dated 19 July 1996 concerning Mr. Rahman Radjavi Hamvand. This letter was sent when the Special Representative was informed that Mr. Radjavi's request for clemency had been rejected by the Amnesty Council. Subsequently, the Special Representative was informed that this person was executed on 28 July 1996 in the prison of Orumiyeh (see para. 37 (a) above);

(f) Letter dated 24 July 1996 concerning three Iranian citizens reportedly sentenced to death, namely, Hedayatollah Zendedel, Abolghasem Majd-Abkahi and Alireza Yazdanshenas (E/CN.4/1996/59, paras. 29 (c), 33 and 98). The Special Representative requested information as to the wording of the convictions entered against these persons and requested the Government to ensure that they could benefit from all the procedural safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights, and also safeguards 4 to 8 of the annex to Economic and Social Council resolution 1984/50 of 25 May 1984;

(g) Letter dated 9 August 1996 concerning Mr. Mehrdad Kalany. He requested to be informed, inter alia, of the specific provisions of the Iranian penal legislation forming the basis of the charges and conviction; the precise charges resulting in Mr. Kalany's conviction; the provisions of Iranian judicial legislation forming the basis of the trial procedure and the possibilities of appeal that were available. The Special Representative was subsequently informed that Mr. Kalany had been executed on 22 June 1996 in Evin prison in Tehran (see para. 37 (b) above).

38. On 9 August 1996, the Special Representative sent a joint urgent appeal together with the Special Rapporteur of the Commission on Human Rights on the question of torture, to the Minister for Foreign Affairs of the Islamic Republic of Iran, Mr. Ali Akbar Velayati, appealing to the Iranian Government to ensure that no further amputations or other corporal punishments be carried out against persons convicted of criminal offences. On 25 July 1996, Ayatollah Moghtadai had reportedly announced that amputations for theft were to be resumed in order to stem rising levels of crime. Under the new policy, those persons to be punished would have four fingers amputated on the right hand for a first

offence. Persons convicted of a second theft offence would have the toes of the left foot amputated. Shortly after the announcement by the State Prosecutor, amputations of the fingers were reportedly carried out in Tehran upon six persons who had more than one theft conviction. As this report was being prepared, the Iranian authorities advised the Special Representative that the Iranian press story of 25 July 1996 had been incorrectly translated.

39. The Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva sent three letters to the Special Representative, dated 23 April, 11 and 29 July 1996, which are reproduced in annexes I, II and III to this report. The letter dated 23 April 1996 concerns two Iranian Baha'is who were visited by the Special Representative in Evin prison on 13 February 1996 (see E/CN.4/1996/59, paras. 70, 97 (a) and 98 to 100). The letter dated 11 July 1996 concerns Mr. Mehrdad Kavoussi. Lastly, the letter dated 29 July 1996 makes reference, inter alia, to lists of prisoners contained in previous reports by the former Special Representative, Mr. Reynaldo Galindo Pohl.

VI. REQUEST FOR TECHNICAL ASSISTANCE

40. The Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 10 June 1996, requested the office of the High Commissioner for Human Rights/Centre for Human Rights for technical assistance in the areas of prison system and training of judges in Iran, as well as to render advisory services to the NGO network on women existing in the country. The Centre replied stating that it was reviewing all planned technical cooperation activities, taking into account available human and financial resources. Once this process was finalized, the Centre would be in a better position to respond to the Iranian Government's request. In a letter dated 7 August 1996, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva requested the Special Representative's help in obtaining such technical assistance.

41. In taking note of the request, the Special Representative decided to make inquiries of the Crime Prevention and Criminal Justice Branch in Vienna. He was informed that the Permanent Representative of the Islamic Republic of Iran in Vienna had submitted a request for technical assistance to the Division as well. The Special Representative considers that the submission of these requests should be welcomed, and he would strongly recommend that sympathetic consideration be given to them by the two agencies in an appropriately coordinated manner.

VII. CONCLUSIONS

42. As will be seen from this report, the information reaching the Special Representative suggests that the condition of human rights in the Islamic Republic of Iran may well have deteriorated since his report earlier this year to the Commission on Human Rights. In particular, the developments in the areas of executions, social atmosphere and criminal punishments, if confirmed after

discussions with the Iranian authorities, are in his view egregious evidence that a culture of human rights remains to be established.

43. Nevertheless, there are some positive signs such as the above-mentioned requests for technical assistance. For his part, the Special Representative is determined to continue his dialogue with the authorities of the Islamic Republic of Iran and has asked to visit Iran in December 1996. He believes the cooperation extended to him so far in his mandate by the Iranian authorities is a welcome sign, and trusts that this spirit of cooperation can continue.

Annex I

LETTER DATED 23 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE SPECIAL REPRESENTATIVE ON THE SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

With regard to the recent reports on the fate of Mr. Kayvan Khalajabadi and Mr. Bihnam Mithaqi, I would like to draw your attention to the fact that the death sentence has not been confirmed. The accused have the possibility for recourse. Under article 31 of the General Courts, the accused or their lawyers are entitled to request for another review. This article may be invoked within the time allowed under the law for rescinding of the verdict by the Attorney-General and re-examination of the case by another court. Should the verdict, following re-examination of the case, be reconfirmed, the accused may seek pardon through the Amnesty Council.

Up to this moment, the accused or their lawyers have not requested re-examination of the cases under the foregoing provisions.

(Signed) Sirous NASSERI
Permanent Representative

Annex II

LETTER DATED 11 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE SPECIAL REPRESENTATIVE ON THE SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

Questions have been raised about Mr. Mehrdad Kavousi, a former member of the Mojahedin Khalgh. On this point, I would like to draw your kind attention to the following information received from Tehran:

He was deported from Turkey. After entering the Islamic Republic of Iran, he requested a passport, which was issued. He then departed from Tehran to Turkey on 17 June 1996 by Iran Air (flight No. 719). According to him, he wanted to pursue, through the United Nations office in Turkey, the release of his wife who is detained by the Mojahedin Khalgh in Iraq.

(Signed) Sirous NASSERI
Permanent Representative

Annex III

LETTER DATED 29 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE SPECIAL REPRESENTATIVE ON THE SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

I would like to provide you with the following information received from Tehran.

1. Hossien ESHRAGHI: He is free and does not have any judicial problem.

2. Ali-Reza SADEGHI: Owing to the lack of personal information, including information on vital status, authorities have not been able to identify him.

3. Mahmoud MOTTAHEDDIN: He was arrested on charges of acting against national security. After due process of law, he was sentenced to 15 years' imprisonment. He was later pardoned and was released on 10 February 1992.

4. Ali ABADI: He was arrested on 18 September 1982 on charges of cooperating with the terrorist group of Fadaie Khalgh. After trial, he was sentenced to 40 days' imprisonment. He was released after serving his term.

5. Abbas ZABOLI: He was arrested on charges of acting against national security. After due process of law, the court found him guilty and sentenced him to 12 years of imprisonment. He was pardoned on 6 April 1992 and was afterwards released.

6. Mowlavi Ahmad SAYYAD: He died at a bus station. The Forensic Department has confirmed that he died because of heart failure.

7. Feraydoun NAJAFI: He was arrested on charges of acting against national security. After due process of law, the court found him guilty and sentenced him to 15 years of imprisonment. However, he was later pardoned and released on 9 December 1992.

8. Fatemeh ESHRAGHI: She was arrested on charges of acting against national security. After due process of law she was sentenced to five years of imprisonment. She was released last year after serving her term.

9. Farhad JAVIDAN: He was arrested for his involvement in trade in pornographic materials. The court sentenced him to 20 days' imprisonment. After serving his term, he was released on 14 October 1993.

10. Zahra RAJABI and Abdol-Ali MORADI: The involvement of the Government of the Islamic Republic of Iran in the death of these two individuals is baseless. It is worth mentioning that the so-called MKO, which is a terrorist organization, has always tried to blame others for its well-known policy of internal purging.

(Signed) Sirous NASSERI
Permanent Representative

Annex IV

INFORMATION ON EXECUTIONS PUBLISHED IN THE IRANIAN AND INTERNATIONAL PRESS DURING THE PERIOD 1 JANUARY-31 AUGUST 1996

In early January 1996, seven people convicted on charges of armed robbery, kidnapping and smuggling were reportedly executed in Kerman. Their names were given as follows: Mansour Afzaly, son of Mohammad Ali, aged 24; Modjtaba Hadj Mir Alikhany, son of Mohammad, aged 23; Akbar Khdjeh-Pour, son of Abbasse, aged 28; Hossein Izad-Panah; Ali Reza Sabahi, son of Mohammad; Ahmad Noureddiny, son of Seyfollah; and Ali Abbassi, son of Mohammad. Another person, Mehdi Ghanbary, was hanged in public in Felestine Square, Saveh, on charges of assassination, after receiving 30 lashes.

In early March 1996, Mostafa Tondro Somesaraie, aged 43, and Amrollah Jaafari, aged 30, were executed on charges of premeditated murder in Karaj. The executions of these persons were carried out in the presence of the victims' relatives. Another person, Bahram Shamsy, son of Ali Osat, was hanged in public in Shaheen-Deje after being found guilty of premeditated murder. On 12 March 1996, Mohammad Reza Taban was hanged in public in Fasa on charges of murder and armed robbery.

In early April 1996, Jamshid Yadollahi, son of Manouchehr, was hanged in public in Sarvestan, after being found guilty of armed robbery. On 10 April 1996, Mustafa Ghaderi and Salim Sabernia, members of the Kurdish opposition group Komala, were executed. On 22 April 1996, a person was hanged in front of a bank in Dezful, after being found guilty of having taken part in an armed attack on that bank. His corpse was left on public view for 22 hours. Also in April 1996, Fath Ali Saberi was hanged in Tehran on charges of attempts against public chastity and adultery. Another person, Asghar Rostami Zadeh, was hanged in Shiraz, after being found guilty of murder and armed robbery. The verdict was carried out in the presence of the victim's family at Vali-Asr Square.

In early May 1996, two persons were hanged in Bijand on charges of drug trafficking. Another two persons, Abdolreza Tappeh-Kaboudi, son of Ali, and Djahangarde Nemati, were hanged in public in Kermanshah on charges of assassination.

On 18 May 1996, five people were hanged in Tabriz on charges of assassination and armed robbery. Their names were given as follows: Mohammad Reza Charifi, aged 21; Jaafar Faradjpour, aged 21; Davar Mardani, aged 23; Ali Reza Nikdjah, aged 21; and Reza Bahreini, aged 21. On 20 May 1996, another two persons, Mohammad Gholi and Habibollah Mohammadi, were hanged in Shiraz on charges of assassination, and Khodaverdy Yousofzadeh was hanged in Harisse, also on charges of premeditated murder.

On 8 June 1996, Khalil Qasem Zahed Tehrani, Mostafa Firoozi and Mohammad Proozi were hanged in public in Ferdowsi Square in Mashhad, after being found guilty of assassination, kidnapping, terrorizing people and sexually assaulting women. Before his execution, Tehrani received 144 lashes.

On 22 June 1996, Mehrdad Kalany, a member of the People's Mojahedin Organization of Iran was executed. He had been sentenced to death in early 1994. On the same day Ahmad Bakhtari, a member of the People's Fedaiyan Organization of Iran (Minority), who was sentenced to death in January 1993, was also executed.

Also in June 1996, Ms. Chahine Soltan-Moradi and Mr. Mohammad Ali Hemati were stoned to death in the city of Orumiyeh, after being found guilty of premeditated murder and adultery. Another woman and a man were hanged in Shiraz on charges of the premeditated murder of Akbar Hamidi and adultery. Another two persons accused of premeditated murder, Aref Lofti and Reza Yaghoobi, were executed in Zarinshahr. Also in June 1996, 12 members of the Dervish sect were executed in Hamedan on charges of establishing centres for moral corruption, and an army colonel was executed for spying for Iraq.

On 21 July 1996, Akbar Esmaili, aged 28, was hanged at Tehran's Qasr prison after a court sentenced him to death for killing a compatriot in Japan in 1992. He had been extradited by Japan. Two other men convicted of murder, Mohammad Golabi, aged 33 and Ali Naghie, aged 41, were also hanged at the prison in separate cases.

Also in July 1996, Ali Reza Zargham, son of Mohammad, known as "Behzad Baba Arbab" was hanged in Shiraz on charges of sedition and corruption on earth, and seven people were executed in Tehran after being found guilty of belonging to drug trafficking gangs that transported five tons of drugs across the border. Their names were given as follows: Lezgin Jahangiri, son of Bayg; Mohammad Rastegar Moqaddam, son of Ali; Khorshid Mokarrami, son of Jafar; Mohammad Saleh Nemati, son of Mozafar; Qader Arjomandi, son of Ramezan; Hossein Tarani, son of Rasool; and Mehdi Khanbashi, son of Esmail.

In August, two Iranian men were hanged in Shiraz. They were found guilty by an Islamic Revolutionary Court of murder and drug trafficking. One of the men was hanged at the site of the crime and the other was executed in Adel prison. They were arrested in July with 419 kilograms of opium.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Regional arrangements for the promotion and protection of human rights

Report of the Secretary-General

I. INTRODUCTION

1. In its resolution 49/189 of 23 December 1994, the General Assembly welcomed the continuing cooperation and assistance of the Centre for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, with a view to exchanging any information and experience in the field of human rights.

2. In the same resolution, the General Assembly stressed the importance of the programme of advisory services in the field of human rights, and renewed its appeal to all Governments to consider making use of the possibilities offered by the United Nations under this programme. The General Assembly requested the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting countries of the different regions under the programme of advisory services.

3. The United Nations High Commissioner for Human Rights has emphasized that the regional intergovernmental organizations are important and close partners of the United Nations human rights programme. Cooperation with these organizations is crucial in the planning and implementation of the United Nations human rights activities in various regions.

4. The General Assembly invited States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights.

5. The Secretary-General was requested, as foreseen in the medium-term plan for the period 1992-1997, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to submit to the General Assembly at its fifty-first session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of resolution 49/189. The present report has been prepared in response to that request.

II. COOPERATION BETWEEN THE UNITED NATIONS AND REGIONAL INTERGOVERNMENTAL ORGANIZATIONS

A. Cooperation with the Council of Europe

6. The United Nations High Commissioner for Human Rights/Centre for Human Rights participated in an expert seminar on human rights and the police, sponsored by the Council of Europe, which was held at the Palais de l'Europe, in Strasbourg, France from 6 to 8 December 1995.

7. Human rights awareness and education programmes, which have been developed and implemented by the Council of Europe, constitute an important contribution to the United Nations Decade for Human Rights Education.

8. The Council of Europe and the United Nations programme of technical cooperation in the field of human rights continue to exchange on a regular basis, information on programmes and activities in Central and Eastern Europe.

9. The United Nations High Commissioner/Centre for Human Rights and the Council of Europe, in accordance with recommendations of the United Nations human rights treaty bodies, agreed that the jurisprudence of the Council would be regularly made available to the Centre. The Council also expressed its intention to make its jurisprudence available on the Internet and on CD-ROM. With respect to the Centre, it is envisioned that the full-text database developed for the treaty-monitoring bodies will be made accessible to the public in the context of the Centre's efforts to develop an Internet web site.

10. The United Nations human rights treaty bodies also engage in cooperation with regional institutions in the discharge of their functions to monitor the implementation of the respective instruments by States parties. Additionally, the Committee on Economic, Social and Cultural Rights continues to receive information from the Council of Europe, which is taken into consideration in the analyses of the human rights situations in States parties whose reports are due to be considered. The Committee on Torture regularly receives reports from the European Committee for the Prevention of Torture of the Council of Europe on visits to States parties to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

B. Cooperation with the Organization for Security and Cooperation in Europe

11. From 1 to 4 July 1996, the United Nations High Commissioner/Centre for Human Rights, in cooperation with the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, conducted a workshop on human rights monitoring for monitors of the OSCE mission to Bosnia and Herzegovina. The workshop, which was held in Neum, Bosnia and Herzegovina, was attended by some 32 participants, and was facilitated by 12 resource persons.

12. The event was organized following agreement between the High Commissioner and OSCE, whereby the High Commissioner was to provide training to OSCE monitors in both the substance and the methodology of monitoring human rights in the mission area. It was the second element of a two-part programme, the first having been pre-deployment induction briefings provided by the High Commissioner's team at Vienna from 13 to 15 February 1996.

13. The High Commissioner/Centre for Human Rights has carried out regular consultations with OSCE with regard to the exchange of information and the development and implementation of technical cooperation projects in the field of human rights, involving countries in Central and Eastern Europe.

C. Cooperation with the European Commission

14. The United Nations High Commissioner for Human Rights cooperates with the European Commission in the context of programmes for Rwanda, Burundi and Colombia. The European Commission has provided 31 highly qualified and fully equipped personnel, who are working as an integral part of the United Nations Human Rights Field Operation in Rwanda. The European Commission has also agreed to provide financial support to the High Commissioner for his preventive human rights initiatives in Burundi. In this framework, five human rights officers have been deployed to the mission in Burundi. A further deployment of up to 35 human rights officers is being considered. The European Commission declared its willingness to provide financial support for the five staff members of the permanent office to be established in Colombia by the High Commissioner in accordance with the statement of 23 April 1996 of the Chairman of the Commission on Human Rights on the situation of human rights in Colombia.

D. Cooperation with the African Commission on Human and People's Rights

15. During the period covered by the present report, the United Nations High Commissioner/Centre for Human Rights continued to provide financial support to the African Commission on Human and People's Rights under the Voluntary Fund for Technical Cooperation in the Field of Human Rights. Part of the funds were used in support of the regional seminar on women's rights and the African Charter on Human and People's Rights, held in Togo in March 1995.

16. In cooperation with the Organization for African Unity (OAU) and the Economic Commission for Africa, the United Nations High Commissioner/Centre for

Human Rights organized a meeting of high-level government experts in the African region at Addis Ababa from 14 to 17 May 1996 on the international human rights treaty regime. The meeting assembled high-level government experts from States that had not submitted instruments of ratification, accession or succession to a number of the principal international human rights instruments. Participants were invited to discuss and reflect on all aspects of the international human rights treaty regime, including reporting obligations of States parties and implementation of those instruments, the use of reservations, the identification of obstacles to ratification and the development of strategies to overcome them.

17. The technical cooperation project in the field of human rights that the United Nations High Commissioner/Centre for Human Rights developed with the Government of Burundi has been implemented in cooperation with the observer mission of OAU in Burundi. The United Nations Centre for Human Rights has also cooperated with OAU in the development and implementation of a training programme on human rights, democracy and the rule of law for heads of military academies in Africa.

18. The High Commissioner/Centre for Human Rights supported the First Regional Conference of African National Human Rights Institutions, organized by the National Commission of Human Rights and Freedoms of Cameroon at Yaoundé from 5 to 7 February 1996. This conference was the first regional initiative in the area of national institutions and was attended by representatives of 12 national institutions of the region and by several observers. A Coordinating Committee of African National Institutions was created as an outcome of the meeting.

III. ESTABLISHMENT OF REGIONAL ARRANGEMENTS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

19. As requested by the General Assembly as well as by the Commission on Human Rights in their numerous resolutions, in particular Commission on Human Rights resolution 1995/48 of 3 March 1995 on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region, the Secretary-General, during the period covered by the present report, continued to pay special attention to the countries in the Asian and Pacific region.

20. In this connection, the United Nations High Commissioner/Centre for Human Rights, upon requests from Governments in the Asian and Pacific region, has continued his efforts to enable countries in the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights. Technical cooperation projects in the field of human rights have been or are being developed with 12 Governments in the region. In addition, a regional workshop, the fourth one in the series, specifically on the subject of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region, was organized by the High Commissioner/Centre for Human Rights, in cooperation with the Government of Nepal, at Kathmandu from 26 to 28 February 1996. The meeting was addressed by the High Commissioner for Human Rights and the Minister for Foreign Affairs of Nepal. It is important to note that, for the first time, the Governments of the region that attended the workshop concluded the meeting by drawing up workshop conclusions, in which specific steps were identified as building-blocks towards

the establishment of regional human rights machinery. The report of the Secretary-General (E/CN.4/1996/46 and Add.1), submitted in accordance with paragraph 15 of Commission on Human Rights resolution 1995/48, provides detailed information in this regard.

21. The Australian Human Rights and Equal Opportunity Commission and the Human Rights Commission of New Zealand, in cooperation with the United Nations High Commissioner/Centre for Human Rights, organized the First Asia-Pacific Regional Workshop of National Human Rights Institutions at Darwin, Australia from 8 to 10 July 1996. The workshop brought together senior representatives of four national institutions of the region, as well as representatives of countries that were interested in or in the process of establishing national human rights institutions. The meeting decided to establish an Asia-Pacific Forum of National Human Rights Institutions.

IV. PROGRAMME OF ADVISORY SERVICES AND TECHNICAL ASSISTANCE IN THE FIELD OF HUMAN RIGHTS

22. The programme continued to grow during 1995. More than 200 activities were carried out by the United Nations High Commissioner/Centre for Human Rights in providing support to States. The attention of the General Assembly is drawn to the report of the Secretary-General on the programme (E/CN.4/1996/90).

V. CONCLUSION

23. The cooperation of the United Nations human rights programme with regional intergovernmental organizations has proved to be substantial and supportive. However, the potential of this cooperation with regard to human, organizational and financial resources is far from being exhausted. Good examples of cooperation, mutual assistance and the most efficient use of limited resources should guide us in the future. Within the framework of the medium-term plan for the period 1992-1997, the United Nations will continue to strengthen exchanges with regional organizations with a view to better promoting human rights. Special attention will be paid to the Asian and Pacific region, where no regional arrangements for the promotion and protection of human rights exist as yet. In this regard, the United Nations High Commissioner/Centre for Human Rights will continue to facilitate the step-by-step process of establishing regional human rights machinery through, inter alia, the organization of the annual regional workshop and by according priority to the needs of the countries in this region.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Afghanistan

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly a brief interim report on the situation of human rights in Afghanistan prepared by Mr. Choong-Hyun Paik, Special Rapporteur of the Commission on Human Rights, in accordance with Commission on Human Rights resolution 1996/75 of 23 April 1996 and Economic and Social Council decision 1996/280 of 24 July 1996.

ANNEX

Interim report on the situation of human rights in Afghanistan submitted by the Special Rapporteur of the Commission on Human Rights in accordance with Commission resolution 1996/75 and Economic and Social Council decision 1996/280

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I. INTRODUCTION

1. A special rapporteur was first appointed to examine the human rights situation in Afghanistan in 1984 by the Chairman of the Commission on Human Rights, who had been requested to do so by the Economic and Social Council in its resolution 1984/37 of 24 May 1984. Since then, the mandate has been renewed regularly by resolutions of the Commission, endorsed by the Economic and Social Council, in which the Special Rapporteur was requested to submit reports to the Commission and to the General Assembly. The former are contained in documents E/CN.4/1985/21, E/CN.4/1986/24, E/CN.4/1987/22, E/CN.4/1988/25, E/CN.4/1989/24, E/CN.4/1990/25, E/CN.4/1991/31, E/CN.4/1992/33, E/CN.4/1993/42, E/CN.4/1994/53, E/CN.4/1995/64 and E/CN.4/1996/64 and the latter in the annexes to documents A/40/843, A/41/778, A/42/667 and Corr.1, A/43/742, A/44/669, A/45/664, A/46/606, A/47/656, A/48/584, A/49/650 and A/50/567.

2. At its fifty-second session, the Commission on Human Rights decided, by its resolution 1996/75 of 23 April 1996, to extend the mandate of the Special Rapporteur for one year, an extension which was approved by the Economic and Social Council in its decision 1996/280 of 24 July 1996.

3. At its fiftieth session, after considering the report submitted to it by the Special Rapporteur, the General Assembly, by its resolution 50/189 of 22 December 1995, decided to keep under consideration at its fifty-first session the situation of human rights in Afghanistan, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

4. Subsequent to the renewal of the mandate by the Commission on Human Rights at its fifty-second session, and in accordance with past practice, the Special Rapporteur briefly visited the area in order to obtain a preliminary impression. He visited Pakistan on 14, 16, 17 and 20 July, Afghanistan from 15 to 20 July and the Islamic Republic of Iran from 21 to 29 July 1996.

5. In September 1996, the Special Rapporteur travelled to Paris where he held extensive meetings with the officials of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at the organization's headquarters. The Special Rapporteur met with the Convenor of the Afghanistan Task Force, the Assistant Director-General for Social and Human Sciences, the Director of the World Heritage Centre and a Programme Specialist for Asia and the Pacific at the Centre, the Director of the Unit for the Promotion of the Status of Women and Gender Equality, the Director of the Department of Women and the Culture of Peace, and with the Assistant Director-General for Education. During the discussions, particular emphasis was placed on the issues of education, including education for women, and the situation of the Afghan cultural heritage.

6. The Special Rapporteur has the honour to submit his interim report to the General Assembly, which was finalized on 30 September 1996, in compliance with Commission on Human Rights resolution 1996/75 and General Assembly resolution 50/189.

7. The new Special Rapporteur on the situation of human rights in Afghanistan, Mr. Choong-Hyun Paik, was appointed in April 1995. He undertook a first brief mission to Afghanistan and Pakistan from 25 to 31 August 1995 and visited Kabul, Jalalabad and Mazar-i-Sharif. The Special Rapporteur visited Afghanistan and Pakistan again from 15 to 24 January 1996 and travelled to Kabul, Herat and Kandahar.

8. The Special Rapporteur wishes to express his sincere appreciation to the Governments of Afghanistan, Pakistan and the Islamic Republic of Iran for extending their full cooperation during the course of the mission. He also wishes to thank the provincial authorities in Kandahar, Mazar-i-Sharif and Bamyan for the valuable assistance accorded to him when he visited those areas.

9. The Special Rapporteur wishes to thank the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan (UNOCHA), the Office of the United Nations Resident Coordinator, United Nations Development Programme (UNDP) in Tehran and the Office of the United Nations High Commissioner for Refugees (UNHCR) offices in Tehran and Mashad for the most efficient logistical support and kind assistance extended to him in the field, especially as plans had to be changed at very short notice. He also wishes to express his sincere gratitude to UNESCO for the excellent programme of meetings and valuable information provided to him on the occasion of his visit to the organization's headquarters.

10. During his first two visits to the area, the Special Rapporteur set out to acquaint himself with the situation of the direct victims of human rights violations as well as of the civilian population of Afghanistan in general, including that of internally displaced persons. In addition, he visited Afghans living in refugee camps in Pakistan and spoke to other Afghans living in that country. During his recent visit to Afghanistan, Pakistan and the Islamic Republic of Iran, the Special Rapporteur decided to meet also with the representatives of the governmental and provincial authorities in those countries, in order to gain comprehensive insight into the situation covered by his mandate.

11. After obtaining a preliminary impression regarding the overall situation of human rights in Afghanistan, the Special Rapporteur intended to modify to a certain extent the structure of his previous reports to the General Assembly and the Commission on Human Rights by focusing on a limited number of specific issues of concern to which he wanted to draw the attention of the international community. However, in view of the important and far-reaching developments which have taken place in Afghanistan in September, at the time of the finalization of the present report, the Special Rapporteur decided to retain the basic structure of his previous reports, with some modifications.

II. VISITS TO AREAS OF AFGHANISTAN

A. Kabul

12. Although the power structure in Afghanistan has been modified significantly since the Special Rapporteur's visit to the area, he nevertheless wanted to provide information in the present report about his visit to the country in July 1996.

13. The Special Rapporteur was received by the President of Afghanistan, Mr. Burhanuddin Rabbani, with whom he discussed, inter alia, the issue of the Afghan cultural heritage. Mr. Rabbani was pleased to note the importance accorded by the Special Rapporteur to this question and his appreciation of the Afghan cultural tradition. He informed the Special Rapporteur that Afghanistan had in the past been home to several religions and was one of the most important cultural centres in the world. Mr. Rabbani stated that the Government that he headed had announced a general amnesty when it took office and was not biased against persons who had worked for previous Governments. He emphasized that all wars in Afghanistan were the result of foreign intervention and that Afghanistan had never exercised any aggression abroad. Mr. Rabbani voiced the Government's respect for human rights and stated that there was a high degree of freedom of expression. He said that political parties could carry out their activities and that women were free to work in offices and had the right to be active in the political, economic and social spheres.

14. The Special Rapporteur met with Mr. Najibullah Lafraie, the Minister of State for Foreign Affairs, with whom he exchanged views on the current situation in Afghanistan. Mr. Lafraie stated that foreign interference was the main factor of war in Afghanistan. He indicated that it was the policy of Afghanistan to solve problems by peaceful means and described the initiatives undertaken by his Government to that end, involving all factions. Mr. Lafraie also welcomed initiatives by the United Nations and the Organization of the Islamic Conference. He expressed the hope that the agreement the Government had reached with Mr. Gulbuddin Hekmatyar to join it as Prime Minister, which he described as a totally intra-Afghan process, would serve as an example. As regards cultural artifacts, the Special Rapporteur was informed that seven or eight years' worth of work of a famous miniaturist painter on the Governor's building in Herat had recently been defaced upon instructions of the local authorities.

15. The Special Rapporteur met with the Mayor of Kabul, Mr. Mohammad Ibrahim Warsaji, with whom he raised the issue of remedies and protective measures for victims of human rights violations. The Mayor indicated that many violations were the legacy of the long-standing conflict in Afghanistan which had engendered a culture of terror in the country. He stated that his office was following closely the situation in Kabul and that he personally submitted reports on violations to the President and to the High Council who subsequently issued instructions to the Security Commission and other competent organs dealing with the administration of justice.

16. The Special Rapporteur was received by the newly appointed Minister of Defence, Mr. Sabaoon, who expressed gratitude to the Special Rapporteur, whose

task it was to help Afghans. He indicated that problems could not be solved through bloodshed but around the negotiating table and that every nationality in Afghanistan had its rights. During the discussion, the Special Rapporteur raised the issue of mines and demining operations. Mr. Sabaoon expressed the readiness of the Government to provide information to assist in demining.

17. The Special Rapporteur met once again with the President and other members of the Lawyers' Association of Afghanistan who informed him about the creation of three important legal bodies by the Association: an Islamic law board, a contemporary law board and a human rights commission board. The Special Rapporteur was informed about the Association's activities in providing legal assistance free of charge and about a project regarding returnees elaborated within the framework of the Association's human rights commission. Research was under way for material on the situation of prisoners. The Special Rapporteur's assistance was sought in connection with the publication and dissemination of material on this type of activity. The representatives of the Lawyers' Association indicated that they had issued more than 22 statements regarding the protection of human rights over the past year over the radio and television as well as in newspapers and magazines and had received numerous requests for assistance from the public. A number of publications provided to the Association by the Centre for Human Rights had been translated into the Dari and Pashtu languages. The Special Rapporteur urged the members of the Association to further increase the accessibility of their services to the public by disseminating maps with the location of their branch offices and to bear in mind the needs concerning legal assistance of widows, the disabled and other vulnerable groups.

18. The Special Rapporteur visited for the second time the 400-bed Military Medical Academy Hospital where he met with the Director, Lt. Gen. Soheila. She told the Special Rapporteur that women were informed about and enjoyed all their rights and participated in social, economic and political life. She stated that it was recognized that women had an essential role to play in society and occupied high positions. General Soheila told the Special Rapporteur that the hospital encompassed a faculty of military medicine as well as a nursing institute that was linked to the Ministry of Public Health. Training was also provided for laboratory and X-ray technicians, physiotherapists and technicians for electrocardiograms. Also present at the meeting were three high-ranking female officers serving as heads of different services at the hospital.

19. While in Kabul, the Special Rapporteur visited the Ashiana children's centre. The Administrator informed the Special Rapporteur that the programme included children 6 to 14 years of age who were responsible for their families as wage earners by collecting papers and firewood, shining shoes, burning incense, begging or collecting scrap metal, or had become destitute as a result of the war. Some of the children were orphans and lived with relatives and had not attended school. Social workers asked the family for permission to include the children in their programme which provided basic pre-school education, health education through nutrition and facilities for personal hygiene, but no accommodation. The objective of the programme was to provide the children with play and interaction in order to relieve stress caused by rocket and bomb attacks, child abuse and child labour. The children also visited vocational training centres in order to be able to identify their interests. The Special

Rapporteur was informed that the programme was implemented in two centres which included 250 children. Some 28,000 such children were reportedly identified in 10 districts of Kabul. The centres also provided children with two meals. The Ashiana centres received assistance from the United Nations and a non-governmental organization (NGO).

20. During a previous visit to Kabul, the Special Rapporteur met with a group of widows who informed him about their situation. During his last visit to the area, the Special Rapporteur requested a follow-up meeting with the same group in order to assess whether their situation had improved. Some of the widows were teachers and informed the Special Rapporteur that they earned the equivalent of US$ 4 a month, half of which was absorbed by rent. They stated that their diet consisted mostly of bread and tea. As a result, their children often fell ill and recovered slowly, even from common colds. The widows stated that they did not receive any assistance. As women living alone, they feared for their security since criminality was on the rise owing to the increase in prices. The widows told the Special Rapporteur that they would not be able to survive without working.

21. The Special Rapporteur met with the members of the Advisory Group on Gender Issues in Afghanistan, an ad hoc United Nations and non-governmental organizations working group, formerly known as the Afghan Women's Network, which was established by a number of Afghan women who had attended the Fourth World Conference on Women held at Beijing. The Group's principal objectives are to include women in the peace process, to ensure the guarantee of women's basic rights such as education, employment outside the home and security, and to promote and increase the participation of women in all aspects of the United Nations and NGO programmes: design, management, implementation, monitoring and evaluation. The Special Rapporteur was impressed by the Group's activities which have resulted, inter alia, in the elaboration of a United Nations operational strategy on gender issues. Afghan housewives and women from schools as well as those working with the United Nations and NGOs meet twice a month within the framework of the Afghan Women's Network. Both Afghan and expatriate women and men meet once a month within the Women's Advisory Group. Membership in both groups is mostly on a voluntary basis.

22. The Special Rapporteur met the members of the Advisory Group on Gender Issues who were participating in a gender training workshop held at Kabul on 15 and 16 July 1996 as part of a series of gender, communication and leadership workshops conducted for Afghan women in the course of 1996. The issues discussed at the July workshop included: gender terminology, the role of Afghan women and men in decision-making, formal and non-formal education, barriers to Afghan women's involvement in development, barriers to communication as well as practical skills such as conducting meetings and preparing reports. The members of the Advisory Group expressed interest in maintaining contact with the Special Rapporteur and asked to receive the publications of the United Nations Centre for Human Rights.

B. Kandahar

23. The Special Rapporteur met with Mullah Abbas, the Attorney-General and member of the Taliban Shura (Council). Mullah Abbas stated that Afghans were interested in achieving peace in the country and that it is up to them, especially the leaders, to strive to bring peace and stability to the country. He also indicated that Afghans wanted the international community to help them achieve these goals. In his opinion, two factors were important in the efforts to bring peace to the country: neighbouring countries should refrain from interfering in Afghan affairs; and the views of the Afghan people ought to be sought, either through a referendum or by other means. The Attorney-General informed the Special Rapporteur that the Taliban considered four issues important for obtaining the support of the population: security; protection of public property; imposition of the Islamic sharia law and the disarming of people; these issues had received the support of the whole population. The Special Rapporteur stated that the protection of public property should include the protection of the Afghan cultural heritage and the prevention of looting of cultural artifacts and illegal trafficking in them. Mullah Abbas informed the Special Rapporteur that a large amount of money had just been provided for the restoration of the Herat mosque.

24. The Special Rapporteur stated that, as a professor, he had a particular interest in education, including the education of women. The Attorney-General agreed with the Special Rapporteur that it was very important always to take into consideration the religious and cultural values of a society. He pointed out that a situation of war was different from a situation where normal conditions prevailed and that rules and regulations could not be applied in the same manner as they would in time of peace. When Afghanistan emerged from the situation of conflict, general education could be imposed, as education required a specific environment and atmosphere. He indicated that the authorities were striving and would try to do their best in order to achieve this. The achievement of peace should be a priority; everything else would follow. The approach adopted was to go step by step, and improvements would be achieved in the same manner. He expressed readiness to hear views formulated by the Special Rapporteur. Mullah Abbas stated that the Taliban had always respected women, who enjoyed full protection in areas under their control, and that it could be stated clearly that they had not suffered abuses. He indicated that efforts were under way to draft a civil code. Mullah Abbas told the Special Rapporteur about the construction of the new central jail and expressed the hope that the conditions there would allow prisoners to receive vocational training. In conclusion, he stated that the best way to be informed about the situation in a given area was to have a representative there.

25. The Special Rapporteur visited the central prison in Kandahar. He was not accompanied on that occasion by the member of staff of the Centre for Human Rights, a female human rights officer, who assists the Special Rapporteur in carrying out his mandate.

26. The Special Rapporteur met with Mullah Mohammad Hassan, the Governor of Kandahar and acting head of the Taliban Shura (Council). On this occasion, he was not accompanied by the female member of the staff of the Centre for Human Rights who assists the Special Rapporteur in carrying out his mandate.

27. The Special Rapporteur met with the representatives of the Gender Development Programme in Kandahar. He was informed that the only education available to girls in Kandahar above ages 7 or 8 was home-based education. The Special Rapporteur expressed concern at the closing of the nursing school for girls. He was informed that there were no job opportunities for women in Kandahar, which placed the majority of women, who are widows and in need of an income, in a desperate situation.

C. Mazar-i-Sharif

28. The Special Rapporteur met with Mr. Ghul Khan Ahmadi, the Deputy Governor of Balkh Province. The Special Rapporteur was informed that in view of the security prevailing in the province, numerous persons from all over Afghanistan were coming to the north of the country and governmental and educational institutions were functioning in an organized and systematic manner. This was also the case with factories and electricity plants. The Special Rapporteur was further informed that United Nations agencies provided assistance for irrigation and agriculture. The Deputy Governor stated that some 1,800 families, amounting to approximately 15,000 persons, mostly from Kabul, were staying in the Kabar camp for internally displaced persons. Water supply and out-patient clinic services were provided free of charge. The situation of internally displaced persons was rendered difficult as a result of insufficient job opportunities. In addition to the internally displaced, a number of returnees from Pakistan and the Islamic Republic of Iran were also staying in Balkh Province.

29. The Special Rapporteur was received by General Majid Rusi, the military adviser to General Abdul Rashid Dostom, the head of the National Islamic Movement of Afghanistan. General Rusi told the Special Rapporteur that the principal issue in Afghanistan was the war and that what prevented the Afghan people from coming to the negotiating table in order to settle their differences was foreign interference. The protection and preservation of cultural heritage of Afghanistan was of the utmost importance. In addition to historical relics, it was also important to preserve a country's customs and traditions. The Special Rapporteur was informed that 2 billion afghanis had been allocated for the restoration of the Holy Shrine in Mazar-i-Sharif and that 70 per cent of the work had already been completed. The authorities were continuing their policy of stringent measures of control and eradication of the production of narcotics and measures had also been taken to prevent trafficking and sale. Regarding education, General Rusi stated that there were some 8,000 students in Mazar-i-Sharif and preparations were under way to open a school of sharia (Islamic law). The authorities were assisting refugees and internally displaced persons by providing sheep, flour, wheat, oil and medicines. The General expressed the readiness of the authorities to cooperate with the United Nations, NGOs or any other organization in the field of health, education, human rights and the economy.

30. During his stay in Balkh Province, the Special Rapporteur visited a site near the ancient city of Balkh where illegal excavation of cultural artifacts was taking place at a burial ground. He saw pieces of broken glass and pottery and numerous remnants of bones. He was informed that numerous artifacts excavated from the site were subsequently smuggled outside Afghanistan.

31. The Special Rapporteur met with the Chief of Police of Balkh Province, with whom he raised the question of illegal excavation sites and the protection of the cultural heritage. The Chief of Police described the difficulties in enforcing the law in the absence of peace and stated that there was no proof that substantial looting of the cultural heritage was taking place in the northern part of Afghanistan. More than 2 billion afghanis had recently been invested in the repair of the holy shrine in Mazar-i-Sharif. The Special Rapporteur was informed that fewer incidents of opium production and trafficking had been registered in 1996 and that an area of approximately 10 hectares where opium had been cultivated had been destroyed by the authorities. A number of addicts were identified and provided with assistance and five of them were placed in clinics. He was further informed that prisoners were provided with vocational training in calligraphy and carpentry or as coppersmiths and that there were no women prisoners.

32. The Special Rapporteur visited the prison in Mazar-i-Sharif, where he had a brief meeting with the head of security for Balkh Province who also heads the committee for the restoration of the holy shrine. He was informed that prisoners received twice-weekly visits and that families could bring food to the inmates. He visited the prison canteen where prisoners could buy additional food and where prices were controlled by a commission composed of inmates. A special room was provided for imprisoned officers.

33. The Special Rapporteur visited the camp for internally displaced persons outside the city of Mazar-i-Sharif which is mostly populated by persons who had fled the fighting that has taken place in Kabul in recent years. He was informed that there was another camp for internally displaced persons in the vicinity of Shebergan. He visited the mud houses which the people living in the camp had built and where an average of eight persons lived. He also visited one of the schools in the camp where children sat on the floor and was informed that they lacked textbooks and stationery. Classes had an average of 20 to 25 pupils. The internally displaced persons with whom the Special Rapporteur spoke stated that their principal problems were securing vital foodstuffs, education and hygiene. He was informed that 60 per cent of the children in the camp suffered from malnutrition while 30 of the inhabitants were not capable of working and were undernourished as well; 5 per cent were handicapped. Some 10 per cent of the women in the camp were widows. The camp housed a clinic run by the Iranian Red Crescent Society.

34. At a community centre consisting of a clinic, a kindergarten, a library and gardening and other projects, the Special Rapporteur met with a group of Afghan women of varied professional backgrounds. The participants in the meeting included: the head of the Female Shura (Council) of the North; the Dean of the Law Faculty of the University of Balkh and member of the local Human Rights Committee; the Head of the Women's Social and Labour Affairs Department of the Northern Provinces; a professor of international law at the Law Faculty of the University of Balkh; a professor of history at the University of Balkh; the principal of a high school in Mazar-i-Sharif; a judge; a representative of the Department of Human Rights of the Cooperation Centre for Afghanistan; and representatives of the following: Oxfam women's programme, Save the Children Fund, Women's Programme at Habitat, Office of Project Services (OPS) of the United Nations Development Programme (UNDP). The Special Rapporteur was asked

about the possibility of establishing field monitors in several localities in Afghanistan in order to monitor the situation of human rights continuously. He received information about the four-member Human Rights Committee in Mazar-i-Sharif and was requested to send materials published by the United Nations Centre for Human Rights.

35. The Special Rapporteur was informed that his assistance would be welcome in the field of human rights and in particular with regard to the status of children. One of the most serious issues encountered by the judge was the violation of children's rights. Another important concern was the insufficient number of orphanages, schools and educational institutions. The Special Rapporteur was told that many children who had lost their parents or had had to leave other provinces and had no housing resorted to criminal activities. Others were breadwinners even at the age of nine.

36. He was told by the representative of the Women's Social and Labour Affairs Department of the Northern Provinces that women organized seminars every three weeks. The question of the creation of women's councils in villages was also being examined. One of the causes of human rights violations in Afghanistan was the lack of education as a result of the protracted conflict. There was a need in the area for an office of UNESCO, whose assistance was viewed as being very important in family planning and pre-school education and in education in general. A request was also made for the establishment of an office of the United Nations Population Fund (UNFPA). Information was provided to the Special Rapporteur about the role of women in dealing with sanitation, water and hygiene as well as in the prevention of epidemic diseases. Security and the crime rate as well as abductions and forcible marriages were cited among the other problems encountered by women in Afghanistan.

37. The Special Rapporteur was informed about non-formal education programmes for women the main objectives of which were human development, practical skills and community development. The Literacy Department of Balkh Province selected the facilitators, who taught classes within the local community. Teaching materials were published in the Dari and Pashtu languages. Classes were also provided in basic health. The Special Rapporteur was informed that the creation of women's shuras (councils) was one of the ways in which the newly acquired skills could be implemented.

D. Yakaolang

38. The Special Rapporteur was received in Yakaolang (Bamyan Province) by Mr. Juya, a representative of the Yakaolang Shura (Council) and Head of the Culture and Education Department; by Dr. Tura, the Chancellor of Bamyan University; by Mr. Mohammadi, the leader of the Hezbe Wahadat political party; by Professor Saadat, the head of the judiciary of Hezbe Wahadat; and by Mr. Annabi, the head of the Hezbe Wahadat Committee for Cultural Affairs. Prof. Saadat explained that the Hezbe Wahadat Islamic party was composed of nine committees, one of which was devoted to judicial affairs. The Judicial Committee had a Prosecutor's Office composed of three branches: for political offenders, for military offenders and for social offenders. The other section of the Committee was concerned with the courts of first and of final instance.

Prisoners had access to education and could participate in sports, listen to music, etc. Prof. Saadat told the Special Rapporteur that the Hezbe Wahadat wished to act in conformity with all standards and norms of human rights. The Special Rapporteur was urged to open an office in Bamyan.

39. With regard to women, the Special Rapporteur was informed that nine members of the 60-member Hezbe Wahadat Central Committee were women and that they enjoyed the same rights as men. The head of the Committee for Cultural Affairs reported that the Committee conducted educational activities with various cultural organizations and associations and social functions such as holding celebrations and disseminating information to the public. Men and women participated in all three spheres of activity.

40. The Special Rapporteur was informed about the establishment of Bamyan University, which currently comprised the faculties of agriculture and of natural sciences. Two out of 10 lecturers in each faculty were women. There were five women among the 80 students. Out of 31 schools, 11 were for girls; some schools were co-educational. Of the total of some 8,000 students, 1,500 were girls and there were 111 female teachers. The representatives of the Bamyan authorities with whom the Special Rapporteur met hoped that he was able to gain an insight into how much more needed to be done regarding education and educational institutions in the province as well as teaching facilities and materials. He was told that the Hezbe Wahadat was contemplating sending a delegation to Europe and the United States of America to ask various universities for assistance. Readiness was expressed to accept foreign professors and to send teachers for training abroad. The Bamyan leadership would also seek assistance from the United Nations to further enhance education in the province, and they urged him to appeal for greater involvement of the United Nations regarding education at all levels in Bamyan. It was envisaged to add three additional faculties with some 600 students to the two existing ones at Bamyan University in 1997.

III. PAKISTAN

Islamabad

41. The Special Rapporteur met in Islamabad with Mr. Arif Ayub, Director General, Afghanistan Desk, Ministry for Foreign Affairs of Pakistan, with whom he exchanged views regarding the situation of Afghan refugees in Pakistan. The meeting was also attended by Mr. Salman Bashir, Director General, United Nations Desk, and Mr. Ashraf Qureshi, Director, United Nations Department, of the Ministry of Foreign Affairs. The Special Rapporteur was informed that the policy of Pakistan regarding the repatriation of Afghan refugees, who are still estimated to number more than 1 million, was similar to that adopted by the United Nations: refugees should return on a voluntary basis, in safety and honour. Mr. Ayub indicated that, with the exception of vulnerable groups, the international community had decreased its assistance to refugees, who represented a considerable burden for his country, and Pakistan expected to receive some encouragement from the international community in that regard. All countries in the region were affected by the situation in Afghanistan, with reference to such problems as the production and trafficking of narcotics, gun

running and terrorism. The policy of Pakistan was that peace must be achieved in Afghanistan so that the economic and other infrastructures in the country could begin to be built. The Special Rapporteur raised the issue of Afghan cultural property which was often smuggled through neighbouring countries to international markets. Mr. Ayub indicated that the Government of Pakistan was assisting UNESCO in related projects and that a coordinating body managed activities relating to UNESCO carried out by the ministries of Education, Culture and Foreign Affairs.

42. The Special Rapporteur met with a group of Afghan women, with whom he discussed the status of women in certain parts of Afghanistan. The lack of educational and employment opportunities as well as violence against women were also discussed.

43. The Special Rapporteur received a detailed briefing from various United Nations agencies about the current situation in Afghanistan and the humanitarian assistance provided to the civilian population in Afghanistan and Afghan refugees in Pakistan. The Special Rapporteur met with the representatives of UNOCHA, UNDCP, UNDP, UNICEF, WFP, WHO, UNHCR and the United Nations Special Mission to Afghanistan (UNSMA).

IV. ISLAMIC REPUBLIC OF IRAN

A. Tehran

44. The Special Rapporteur met with Mr. Pirooz Hosseini, Director-General, International Economic and Specialized Agencies Department, at the Ministry for Foreign Affairs. He informed the Special Rapporteur that the Islamic Republic had received more than 2.5 million Afghan refugees over the years on the basis of two principles: Islamic principles and values, and international law. He recalled that his country at one time had had the largest refugee caseload in the world. The governmental authorities provided refugees with assistance and cooperated closely with a number of United Nations agencies and humanitarian NGOs. Among the services provided were literacy classes and vocational training. Mr. Hosseini indicated that close cooperation had been established with UNHCR regarding the repatriation of Afghan refugees through the establishment of a tripartite commission. Iranian policy on repatriation was that it should be voluntary, safe and respectful of refugees' dignity. The general situation of Afghan refugees was good. They had the possibility of talking about their problems freely through their representatives in Tehran and in the provinces. The Special Rapporteur was informed that Afghan refugees were concentrated in the provinces of Khorassan, Zahedan, Kerman as well as in Tehran and northern parts of the country and that few were living in camps. Repatriation had been going well but was complicated by the internal conflict in Afghanistan. The solution was for the international community to help with the reconstruction of Afghanistan and its infrastructures. The Islamic Republic expected the international community to assist recipient countries to shoulder the burdens caused by refugees.

45. The Special Rapporteur met with Mr. Alaoddin Boroujerdi, Deputy Minister for Asia and Oceania at the Ministry of Foreign Affairs. He indicated that the

efforts of the Islamic Republic to help in extinguishing the flame of war in Afghanistan were a complement to the Special Rapporteur's human rights mission and that the first duty of the international community was to halt the war. Mr. Boroujerdi expressed concern over the denial of access to education for girls in certain parts of Afghanistan. In the field of health, he informed the Special Rapporteur that his country had established dispensaries and health facilities in Afghanistan in Mazar-i-Sharif, Yakaolang, Bamyan, Kabul and Jalalabad and had participated in a joint campaign of vaccination against polio. An aid committee was established with the objective of assisting Afghan communities in becoming self-sufficient through income-generating activities. In Kabul, a number of families assisted by this committee has set up home carpet-weaving workshops. The skills and crafts which Afghan refugees have learned in the Islamic Republic can help to provide a skilled workforce in their own country upon return. A vital necessity was to repair roads in Afghanistan in order to facilitate the transit of returnees.

46. The Special Rapporteur was informed that Afghans had the same access to educational institutions as the local population. Mr. Boroujerdi stated that there were more than 20 million students in the Islamic Republic and that tens of thousands of Afghans had completed elementary, high school and university studies in the country and were working there. The Special Rapporteur indicated that the successful experience of the Islamic Republic in the field of education and the very high level of both male and female enrolment in educational institutions could easily be accepted by other Islamic societies. Mr. Boroujerdi cited in this regard a mid-wife course for Afghan women in Isfahan where the number of applicants far exceeded the 50 to 60 initially foreseen by the organizers. Afghans had also received training in computer skills at a technical education centre in Karaj. At Bir Jan, near the border with Afghanistan, many Afghan students were attending classes at the faculties of medicine and engineering. Mr. Boroujerdi stated that the United Nations could significantly assist qualified Afghans by providing them with the instruments of their trade such as tractors, seeds, etc. He underlined the fact that most Afghan refugees in the Islamic Republic of Iran did not live in camps and he expressed the hope that the facilities offered to refugees in the Islamic Republic should not lead the United Nations to forget it but rather to assist it in its efforts.

47. The Special Rapporteur was received by Mr. Ahmad Hosseini, Adviser to the Minister of the Interior and Director General of the Bureau for the Affairs of Foreign Immigrants (BAFIA). He told the Special Rapporteur that BAFIA had 25 branches in all provinces and employed a staff of 800. Afghan refugees wanted to return to their country but were unable to do so because of the lack of security, which warranted more assistance by the international community to both the host country and the refugees. As one of the earliest signatories to the 1951 Convention, the Government considered itself bound by international treaties regarding refugees. However, the foremost principles guiding Iranian policy towards Afghan refugees were the principles and elements of Islamic culture and faith. Refugees were encouraged to return to their country on a voluntary basis.

48. Mr. Hosseini stated that the question of human rights could not be limited only to the consideration of the situation of refugees in the host country but

also included the consideration of the conduct and policies of the international community towards the refugees. He indicated that the programme for the return of Afghan refugees was carried out within the framework of the Tripartite Commission and that the United Nations supervised their return. More than 500,000 persons had returned to Afghanistan under this scheme. The Special Rapporteur was informed that more than 1,300,000 refugees had returned to Afghanistan while more than 1,400,000 remained in the Islamic Republic. Mr. Hosseini underlined the fact that they did not live in camps. The Islamic Republic was developing human resources of the Afghan refugees, whose literacy rate was more than 67 per cent. Afghan women had created a charitable NGO called the Society of Afghan Women which organized seminars and cultural events. Mr. Hosseini stated that the international community ought to fulfil its duty towards Afghan refugees and host countries. He cited the example of a shortfall of some 250,000 tons of rice for refugees.

49. The Special Rapporteur met with Mr. Zeinoddin, Head of the Department of Human Rights at the Ministry of Foreign Affairs. They exchanged views on the general situation of Afghan refugees and the conditions conducive to their return.

50. The Special Rapporteur visited the Semnan refugee camp which had been established in 1990 in Semnan Province. He toured the camp and met with the director and the representative of BAFIA. The Special Rapporteur was informed that approximately 27,500 Afghan refugees lived in 6 camps throughout the country. The Semnan camp housed approximately 2,000 Afghans and was divided into different blocks according to income-generating activities. The camp had one traditional health post, one mosque and one library as well as facilities for water and sanitation. Refugees received a World Food Programme food basket. The Special Rapporteur was informed that WFP had taken rice out of the food basket and that Iraqi refugees were receiving slightly bigger quantities. Education was provided at the primary level and there were two literacy programmes: for adults and children. Twenty-five refugees were trained to make cement construction blocks and 80 women were learning how to weave kilims. Mechanical shovels were manufactured in the camp. The Special Rapporteur visited the health post and a sewing class for 30 women.

B. Mashad

51. While in the Islamic Republic, the Special Rapporteur visited Mashad, in Khorassan Province, where a large number of Afghan refugees lives. He regrets not having been able to meet with the Governor of Khorassan Province and with the head of the BAFIA in Mashad. The Special Rapporteur met with the Consul General of Afghanistan, Mr. Azizi, and with the Vice-Consul who is also Counsellor for the repatriation of Afghan refugees, Mr. Aryapur, with whom he discussed the situation of refugees and their prospects of return. They stated that the continuous conflict as well as the situation prevailing in certain parts of Afghanistan did not encourage repatriation and that arrangements were being made through the Tripartite Commission for some returnees to transit through Turkmenistan. As concerns the life of Afghan refugees in the Islamic Republic, one of the problems cited in addition to employment was that they had no health insurance.

52. The Special Rapporteur met with the representatives of the Tebyan Centre for political and cultural activities, whose members included students and clerics. The centre, which was founded in 1993, is headed by an academic and a theologian and has branch offices in most Iranian provinces. One of the centre's cultural activities included the preservation of the cultural heritage and the human rights of the Afghan people. The Special Rapporteur was informed that the Tebyan Centre cooperated with the Centre for the Guidance of Afghan Women in Mashad.

53. The Special Rapporteur met briefly with a number of individual Afghans. They stated that their principal problems were the lack of financial resources and fear that their residence certificates would be withdrawn. The Special Rapporteur was informed about the case of a family that had been taken to the Torbat-e-Jam camp where they lived in precarious conditions on a diet consisting predominantly of bread.

V. BRIEF OUTLINE OF THE POLITICAL SITUATION

54. On 4 April 1996, the Taliban-supported Grand Council of Ulema proclaimed the head of the Supreme Taliban Shura (Council), Mullah Mohammad Omar, as Amir-ul-Momineen (Leader of the True Believers). The Council also issued a fatwa (religious ruling) calling for a holy war (jihad) against the Government of President Rabbani. On 20 May, President Rabbani met with the leader of Hezbe Islami, Mr. Gulbuddin Hekmatyar, in order to conduct negotiations on forming a coalition and discussing the modalities of reaching a peaceful solution to the conflict in Afghanistan. On 26 June, Mr. Hekmatyar became the Prime Minister of the Government in Kabul. Discussions between President Rabbani and the representatives of the Jalalabad Shura (Council) took place on 28 June. The appointment of a nine-member cabinet was announced in Kabul by President Rabbani on 3 July.

55. The Taliban took control of Mr. Hekmatyar's principal military base located in Spina Shega in August. They also seized a large ammunition depot located near Sarobi, in Paktia Province. On 29 August, the Salang highway, which was controlled by the forces of President Rabbani and those of General Dostom and which leads from Kabul to the north of Afghanistan and on to Central Asia, was reopened for public traffic after three years of closure. At the beginning of September, the Taliban took control of two districts in Logar Province, near Sarobi. On 11 September, the Taliban entered Jalalabad in Nangarhar Province. The Governor of Nangarhar who had headed the Eastern Shura (Council), covering Nangarhar, Kunar and Laghman provinces, left Jalalabad for Peshawar, Pakistan. It was reported that some 5,000 persons had arrived in Peshawar from Afghanistan and that some 7,000 were awaiting permission to enter Pakistan at the Torkham border crossing.

56. On 12 September, the former King of Afghanistan, Mohammad Zaher Shah, issued a statement in Rome in which he indicated that he had decided to return to Afghanistan "at the earliest possible moment in order to perform, as far as humanly possible, a role in restoring peace, security and the national unity of Afghanistan". On 13 September, the Taliban took control of Laghman Province, which was subsequently bombarded heavily that day as well as on 15 September by

the forces of President Rabbani. The Taliban took control of the capital of Laghman Province, Mitharlam, on 16 September and appointed Mullah Mohammad Rabbani as the head of the Eastern Shura (Council). Mullah Mohammad Tahir Anwari was named Governor of Nangarhar Province. On 24 September, the Taliban captured Sarobi, a strategic town located some 70 kilometres from Kabul. The Taliban military leader, Maulavi Borjan, is reported to have been killed during this attack. On 26 September, the Taliban took control of Laghman and Kunar provinces and of Naghlu dam, which provides Kabul with electricity. The former Governor of Laghman, Abdullah Jan, was killed during the fighting.

57. In the early hours on 27 September, the Taliban entered Kabul, reportedly facing little resistance. Violating the immunity of UNSMA premises, armed men are reported to have abducted from the compound and subsequently executed the former President of Afghanistan, Mr. Mohammed Najibullah, his brother and two associates. Their bodies were subsequently exposed in public. The Taliban also captured the Bagram airbase as well as the Tagab valley in Kapisa Province north of the city. On 29 September, the Taliban took control of Charikar, the capital of Parwan Province, and subsequently advanced to Golbahar. It is estimated that the Taliban now control approximately three quarters of Afghanistan. The forces of President Rabbani and the military commander Ahmad Shah Massoud first retreated to Jabul Saraj, Shakar Dara and Paghman to the north and north-west of Kabul and subsequently into the Panjshir valley. Mr. Rabbani is reported to have announced that his cabinet had been shifted to the north of the country with the aim of avoiding bloodshed in Kabul. The Taliban advanced in the direction of the Salang highway and the strategic tunnel, which are controlled by the forces of General Dostom, who are deployed some 5 kilometres to the south of the tunnel. Both sides have indicated that they did not want to fight each other. However, the forces of General Dostom, who controls six provinces in the north of the country, have stated that they would defend themselves if attacked. At the time of the finalization of the present report, the Taliban were fighting the forces of Commander Ahmad Shah Massoud, who is loyal to President Rabbani, in an attempt to drive him out and take control of the Panjshir valley.

58. After having taken power in Kabul, the head of the eight-member Taliban Supreme Council, Mullah Mohammad Omar, announced that the country would be governed by a six-member interim ruling council headed by Maulavi Muhammad Rabbani, the deputy head of the Taliban. A separate commission is said to have been set up to administer Kabul. The Taliban are reported to have called on the international community to extend diplomatic recognition to them as the new Government of Afghanistan. It has been reported that the Acting Deputy Foreign Minister of the Taliban, Sher Mohammad Stanakzai, had stated that all previous contracts and treaties would continue.

59. The United Nations has continued its efforts at mediation to arrive at a peaceful settlement of the conflict in Afghanistan. Mr. Mahmoud Mestiri, the Head of the United Nations Special Mission to Afghanistan, resumed negotiations to that end on behalf of the Secretary-General upon his return to Islamabad on 29 March 1996. The Security Council held a formal meeting on 9 April on the situation in Afghanistan. Mr. Mestiri resigned from his post for reasons of health in May. In July 1996, Mr. Norbert Holl was appointed to head the United Nations Special Mission to Afghanistan (UNSMA) by the Secretary-General, who also decided to incorporate the former Office of the Secretary-General in

Afghanistan into the office headed by Mr. Holl. In addition to the head of mission, UNSMA would include a deputy head of mission and a team of military and political advisers and would maintain its offices in Jalalabad and Islamabad. On 25 July, Mr. Holl appealed for the cessation of the endless bloodshed in Afghanistan. The Under-Secretary-General for Political Affairs, Mr. Marrack Goulding, visited Afghanistan and Pakistan from 10 to 17 September with the aim of holding discussions in Kabul with President Rabbani, Prime Minister Hekmatyar, in Mazar-i-Sharif with General Dostom, in Jalalabad with Governor Haji Abdul Qadir and in Kandahar with the leaders of the Taliban, in an attempt to help arrive at a negotiated settlement of the conflict in Afghanistan.

60. Mr. Goulding stated that the United Nations Special Mission to Afghanistan had been strengthened and had received instructions to intensify its consultations with the various parties concerning the possible contents of a political process: the establishment of an authoritative council, a ceasefire, the creation of joint security forces, a transitional Government, and elections. More intensive consultations were deemed necessary, especially with the Taliban. After the fall of Sarobi to the Taliban on 24 September, UNSMA requested an emergency meeting of the Security Council. Following the fall of Kabul on 27 September, the Head of UNSMA issued a statement on the death of the former President of Afghanistan, Mr. Najibullah. Mr. Holl expressed the deep dismay of UNSMA at the abduction by armed men of the former President and his brother without any legitimate judicial procedure. On 28 September, the Security Council in a presidential statement voiced concern at the violation of United Nations premises in Kabul and expressed dismay at the brutal execution by the Taliban of former President Najibullah and others who had taken refuge there. The Council called for the immediate cessation of all armed hostilities and urgently called on the leaders of the Afghan parties to renounce the use of force, put aside their differences and engage in a political dialogue aimed at achieving national reconciliation. It also called upon all States to refrain from interfering in the internal affairs of Afghanistan. Demanding that all parties fulfil their obligations and commitments regarding the safety of United Nations personnel and other international personnel in Afghanistan, the Council called upon all parties to cooperate with the Special Mission which would act as a key and impartial facilitator in order to bring about a peaceful solution to the conflict as soon as possible.

Situation affecting the civilian population

61. The armed hostilities have continued in Afghanistan since the Special Rapporteur presented his most recent report to the Commission on Human Rights, in April 1996. Heavy exchanges of rockets and artillery shelling as a result of factional fighting have taken place intermittently in and around Kabul and other front-line areas, particularly near Charasiab, the Khairabad hills, Bandhi Ghazi and Maidan Shar, resulting in loss of life, injuries and significant destruction of property. The majority of victims of heavy fighting are reported to be women and children. In addition to Kabul, heavy fighting was reported between the Taliban and the Government forces led by President Rabbani in Ghor Province. At the beginning of June, the Taliban took control of the capital of Ghor, Chakhcharan. The Taliban clashed with the forces of Hezbe Islami leader Gulbuddin Hekmatyar in Khost Province. Particularly intensive rocketing and shelling, in which more than 60 persons are believed to have been killed and

more than 100 were wounded took place in Kabul on 26 June when Mr. Hekmatyar assumed the post of Prime Minister in the Government of President Rabbani. Also at the beginning of July, Taliban forces and those loyal to President Rabbani clashed in Saighan. It is estimated that some 208 persons were killed and 623 injured in Kabul between January and June. At the end of July and the beginning of August, the Taliban confronted the forces of Mr. Hekmatyar in Paktia and Paktika provinces, resulting in significant loss of life and injuries, while the forces of President Rabbani confronted those of General Dostom in Jowzjan Province. A rocket landed in the building housing the offices of UNICEF on 30 July, causing significant damage to the premises. Numerous families left Nangarhar Province for Pakistan when the Taliban took control of Nangarhar and Jalalabad in September, resulting in extensive loss of life. In addition, tensions between the forces of President Rabbani and the Taliban continued in Sarobi. When the Taliban took Sarobi, on 24 September, more than 50 persons are believed to have been killed, including the Taliban military leader, Maulavi Borjan. The former Governor of Laghman Province was killed when the Taliban captured Laghman. The Taliban captured Kabul on 27 September.

62. The general situation of the civilian population in Kabul continued to be precarious. An increase in the crime rate was reported as the prices of staple goods remained excessively high for the majority of the population. The exchange rate of the afghani, the Afghan currency, continued to fall, which increased prices even further. Nevertheless, lorries continued to transport essential goods along the road to Kabul through Jalalabad. A rapid rise in food prices and an increase in security problems have also been reported in Mazar-i-Sharif. The World Food Programme opened bakeries to meet the emergency needs of internally displaced persons in Kunduz, Saripul and Maimana. In Faryab Province, flooding after heavy rainfall at the end of April is reported to have caused damage to houses, injuries and loss of animals. Deaths and destruction of property, livestock and crops were also reported in Badakhshan Province; at least six persons are said to have been killed in a landslide in Qasi-Dara village. On 16 June 1996, the United Nations began a mass campaign of immunization of children against polio and of mothers against tetanus reportedly involving an estimated number of 15,000 volunteers. After the takeover of Kabul by the Taliban, a dramatic decrease in prices and an increase in the value of the Afghan currency have been reported. The roads from Jalalabad and Maidan Shar leading to Kabul are said to be open.

63. United Nations agencies and non-governmental organizations continued to provide emergency and other humanitarian assistance to the civilian population of Afghanistan.

VI. SPECIAL CONCERNS

64. Dramatic changes took place in Afghanistan at the time of the finalization of the present report. The Taliban movement took control of the eastern part of the country and of the capital, Kabul. It is estimated that the Taliban currently control approximately three quarters of Afghan territory. In the course of the current reporting period, Afghanistan has continued to face a situation of strife and conflict in which the rules of war have not been respected. Several hundred persons have been killed in Kabul as a result of the

exchange of rocket and artillery fire between the Taliban movement and the forces supporting the Government of Burhanuddin Rabbani. In violation of international humanitarian law, the majority of the persons suffering from such attacks were civilians, often women and children. According to United Nations reports, between January and the end of June, a total of 982 rockets fell on various parts of Kabul, killing 208 persons and injuring 623. In addition to the casualties, property has also suffered significant damage. Sporadic disturbances have occurred in other parts of the country. On 25 July, the Head of the United Nations Special Mission to Afghanistan, Mr. Norbert Holl, appealed for the cessation of the endless bloodshed in Afghanistan. Numerous deaths and injuries were also reported in September 1996 during the battles of the cities of Jalalabad, Sarobi and Kabul.

65. In addition to the right to life, the right to liberty and security of the person and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment have not been respected. Death sentences have continued to be pronounced and public executions of persons convicted by Islamic sharia courts have continued to be carried out. On 30 March, three alleged criminals were reportedly hanged in public in Kabul. Assassinations and revenge killings, some of which have reportedly been based on tribal conflict, have also taken place. Abductions and forcible marriages have also been reported.

66. In the area under the control of the Taliban movement, a man and a woman were stoned in public in the centre of Kandahar on charges of adultery in mid-July. Cases of private vengeance and denunciation have been cited as a frequent cause of severe human suffering. Doubts have been expressed as to whether due process of law was always applied. Persons are reported to have also been executed without having been placed on trial. Between 30 and 50 persons supporting President Rabbani or originating from the Panjshir who were captured by the Taliban in Herat and Ghor provinces are reported to have been executed without trial in Herat at the end of July. In the absence of a unified and impartial judicial system, the administration of justice still appeared to be exercised mostly by the local authorities.

67. After taking control of several provinces in the eastern part of Afghanistan, the Taliban entered Kabul during the night of 26/27 September, without facing significant resistance. It has been reported that in the morning of 27 September, five armed men believed to belong to the Taliban forces entered the UNSMA compound in Kabul; constituting a violation of the immunity of United Nations premises under international law. They reportedly took away by force the former President of Afghanistan, Mr. Mohammed Najibullah, who had taken refuge in the United Nations premises after the fall of his Government in 1992. Mr. Najibullah and his brother, Shahpur Ahmadzai, who was allegedly abducted several hours later, were subsequently summarily executed. Mr. Najibullah reportedly was shot in the head while his brother was hanged. Both bodies were then hanged from a police traffic control platform in a square in the centre of Kabul where they remained exposed in public for more than a day. Two associates of Mr. Najibullah may also have been abducted and executed. The Security Council expressed its dismay at the killing of former President Najibullah and called for the cessation of all armed hostilities in the Afghan conflict.

68. The presence of widely scattered landmines continues to pose a permanent and very serious danger to the right to life. Mines can be found in residential areas, including in Kabul.

69. The Taliban are reported to have stated that they would impose an Islamic system in Afghanistan with the strict enforcement of Islamic law. They are also said to have announced that amnesty would be granted to persons who surrendered to them, that no revenge would be taken and that the lives and property of the citizens would be protected. Those responsible for crimes would reportedly be placed on trial in accordance with Islamic law. According to a report published by Amnesty International on 2 October 1996, hundreds of persons were allegedly arrested during house searches and were reportedly being held for sympathizing with former President Rabbani. Fear was expressed that these persons might be facing torture or ill-treatment and that their families had not been informed of their whereabouts. It has also been alleged that Taliban guards were searching homes for evidence of cooperation with the former administration.

70. On 27 September 1996, the United Nations High Commissioner for Human Rights, Mr. José Ayala Lasso, issued a statement in which he expressed strong concern for the human rights situation in Afghanistan after the fall of Kabul to the Taliban Islamic movement. He appealed to the leader of the Taliban Supreme Council to exercise maximum restraint and to ensure the basic rights of all Afghans, particularly the civilian population, women and children, in keeping with international human rights standards.

71. One of the measures implemented in Kabul after the arrival of the Taliban movement was the closing of schools, including the University of Kabul where women constituted almost half of the student body. Women were asked not to report to work. It has been reported that women who were laid off for religious reasons would continue to receive their salaries at home, with no indication as to how long the payments would continue to be made. A statement was allegedly released to the effect that women would be allowed to resume work after arrangements were made to provide for the separation of male and female staff in the workplace. All issues having to do with female access to education and employment were reportedly referred to the Taliban Supreme Council, led by Mullah Mohammad Omar. Women were encouraged not to leave their houses and are reportedly required when they do go out to wear a burqa or veil which covers the face completely. It has been alleged that violations of the dress code would be punished severely. A number of women are reported to have already been beaten with chains by Taliban guards in the streets of Kabul. Taliban guards have also allegedly entered offices to see whether any women had come to work. It has been reported that the Taliban did not wish to promise to respect international human rights standards, including those having to do with women, and that issues concerning their access to employment and education would be regulated on the basis of Islamic principles through religious decrees. Female education had been suspended in areas previously under the control of the Taliban and few women had access to employment. The Special Rapporteur regretted the closing of the nursing school in Kandahar.

72. During his recent visit to the area, the Special Rapporteur met with members of the Afghan Women's Network and with members of the United Nations Advisory Group on Gender Issues which were only beginning to develop their programmes, which are of vital importance for the future of Afghan society. In

addition, he met with a group of widows, who told him that they would not be able to survive without work. It is estimated that some 25,000 households in Kabul are headed by widows. Some 30,000 households in the city are believed to be headed by women. In Kabul, which is a relatively cosmopolitan city, some 70 per cent of teachers are women.

73. On 4 October 1996, the United Nations High Commissioner for Human Rights sent a message to the Head of the United Nations Special Mission to Afghanistan, Mr. Norbert Holl, in which he asked him urgently to convey once again to the leader of the Supreme Council of the Taliban movement, Mullah Mohammad Omar, his strong concern for the situation of human rights in Afghanistan. In his message, the High Commissioner emphasized the legally binding obligations stemming from the large number of international human rights instruments which Afghanistan had ratified and signed over the years, including the Convention on the Elimination of All Forms of Discrimination against Women. He invited the Taliban leadership to ensure respect for such rights as the right of women to work and the right of girls to education without discrimination.

74. Besides the measures concerning women, it was reported that men, especially those in public offices and the military, would be required to grow long beards within six weeks or face punishment. Allegations have been made that guards have forcibly taken people in the vicinity of mosques off the street into mosques during prayer time. Music and television have reportedly also been prohibited.

75. Before the Taliban arrived in Kabul, hundreds of civilians are said to have fled the city northwards in the direction of Mazar-i-Sharif or towards Pakistan. It has been stated that people had also started to leave the city after the arrival of the Taliban and that some had been prevented from doing so.

76. The civilian population of Kabul is reported to have welcomed the safety prevailing in the city after the cessation of armed hostilities as well as the availability of goods at lower prices. Nevertheless, some 250,000 persons in Kabul, approximately one quarter of the population, received humanitarian assistance from the international community.

VII. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

Continuous deprivation of basic rights and freedoms

77. During his brief visits to Afghanistan, Pakistan and the Islamic Republic of Iran, the Special Rapporteur held meetings and interviews with numerous persons, ranging from political leaders, representatives of central and local authorities, prominent intellectuals, internally displaced persons, persons staying in a refugee camp administered by the Government of the Islamic Republic of Iran and persons staying with private individuals. Based on the information gathered and perceptions gained through such meetings, the Special Rapporteur has been able to draw interim conclusions on the situation of human rights in Afghanistan.

78. The Special Rapporteur wishes to record once again his particular appreciation of the activities of the United Nations agencies, e.g. UNOCHA, UNDP, UNOPS, UNHCR, Habitat, UNICEF, WFP, WHO, UNDCP, and of various other organizations, including ICRC, CARE, OXFAM and Save the Children, which are directed towards achieving stability and improvement in the living conditions of Afghans.

79. During the period under review, the armed conflict in Afghanistan continued and intensified significantly immediately prior to the finalization of the present report. The rocketing and artillery shelling of Kabul has caused serious human suffering and the loss of hundreds of lives and has resulted in even more numerous injuries as well as significant destruction to property, principally among the civilian population. Sporadic fighting in front-line areas between different armed factions erupted into the battles of Jalalabad, Sarobi and Kabul.

80. The widespread presence of land mines, including in residential areas, continues to represent an imminent and serious threat to the right to life.

81. Death sentences have been passed and public executions have continued. Between 30 and 50 members of the forces of former President Rabbani are said to have been executed publicly without due process of law in Herat in July 1996. Three persons were hanged in public in Kabul in March 1996. Amputations have continued to be carried out under the sharia law in areas controlled by the Taliban. Prior to the Special Rapporteur's visit to Kandahar in July 1996, two persons were stoned to death on charges of adultery in the centre of Kandahar city.

82. During his visit to Afghanistan, the Special Rapporteur was keenly aware of the need for the preservation of the country's cultural heritage, which is subjected to wanton destruction and looting. The Special Rapporteur is aware of the differences in traditions prevailing in various parts of Afghanistan, including the cultural tradition and heritage of Kabul, which has evolved at a different pace.

83. Numerous persons continue to be displaced throughout the country. An estimated 3 million Afghan refugees still live in Pakistan and the Islamic Republic of Iran. Repatriation has declined in the course of the current reporting period.

84. The Special Rapporteur's attention was drawn to the deprivation of education or insufficient educational facilities in certain parts of Afghanistan. He has become aware of the importance of tradition in the transmission of knowledge. As a result of the conflict, two generations of Afghans have been cut off from the traditional learning process.

Newly emerging threats to basic rights

85. After the Taliban entered Kabul, armed men entered the United Nations premises - which constitutes a breach of their inviolability - and abducted the former President of Afghanistan, Mr. Mohammed Najibullah, and his brother. Both were subsequently killed without judicial procedure. It has been alleged that

two of Mr. Najibullah's associates may also have been killed on the same occasion. The killing of Mr. Najibullah and his brother amounts to a summary execution. After their execution, their bodies are reported to have been hanged from a police traffic control platform on a square in the centre of Kabul where they remained publicly displayed for over a day.

86. Developments in Kabul at the end of September gave rise to serious concerns about the respect for human rights in Afghanistan. In this connection, the High Commissioner for Human Rights issued a statement on 27 September 1996 in which he appealed to the supreme leader of the Taliban movement to exercise maximum restraint and to ensure the basic rights of all Afghans, particularly the civilian population, women and children, in keeping with international human rights standards.

87. After taking control of Kabul, the Taliban reportedly proclaimed a general amnesty and stated that no acts of revenge would take place. In addition, the Taliban have sought international diplomatic recognition as the Government of Afghanistan.

Grave deteriorations of women's rights

88. Afghanistan has ratified a large number of international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and has signed the Convention on the Elimination of All Forms of Discrimination against Women.

89. On 4 October 1996, the High Commissioner sent a message to the Head of the United Nations Special Mission to Afghanistan, Mr. Norbert Holl, in which he emphasized the legally binding obligations stemming from the large number of international human rights instruments which Afghanistan had ratified and signed over the years and invited the Taliban leadership to ensure respect for such rights as the right of women to work and the right of girls to education without discrimination.

90. As has been the case in other areas under the control of the Taliban movement, women in Kabul were asked not to report to work and educational facilities were closed. Women have reportedly been urged to leave their homes wearing a veil which completely covers their faces. A number of women were allegedly beaten in public in Kabul for violating the dress code.

91. Many women with whom the Special Rapporteur met voiced their fears for the future of Afghanistan - and of its women in particular - in which an entire younger generation had been deprived of an education and the current generation of qualified workers had retired. The Special Rapporteur was aware of the importance of the Afghan Women's Network and of gender advisory groups.

92. An estimated 30,000 households in Kabul are headed by women, including widows. Approximately one quarter of the city's population is already receiving assistance from the international community.

B. Recommendations

93. All parties should respect the inherent right to life of every human being. There should be an immediate cessation of all armed hostilities in Afghanistan and the implementation of a lasting ceasefire that would spare the lives of innocent civilians.

94. The international community should strengthen and accelerate its efforts in order to help bring a peaceful solution to the conflict in Afghanistan as soon as possible. Every effort should be made to curb violence and to diminish antagonism between competing factions and members of the general public from diverse tribal, religious, social and cultural backgrounds.

95. The mine awareness and mine clearance programmes implemented by the international community should be continued. Countries currently producing mines should be made more aware of the consequences of what they produce and should stop the production of mines. The international community should examine ways of discouraging the production of mines.

96. A coherent system of administration of justice should be established that would be in accordance with international human rights norms and the rules of international law. While the international community should respect traditional values and religious beliefs in a given country, certain minimum standards of international human rights law ought to be respected by a country which is a member of that community. Perpetrators of human rights violations should be punished and the victims compensated.

97. All the competent authorities in Afghanistan should abide by its obligations stemming from the large number of international human rights instruments which it has ratified and signed over the years.

98. In this connection, the general amnesty proclaimed by the Taliban movement should be applied without discrimination. There should be no acts of revenge.

99. The Special Rapporteur strongly condemns and deeply regrets the development of events relating to the abduction, on 27 September 1996, from United Nations premises of the former President of Afghanistan, Mr. Mohammed Najibullah, and of his brother and their subsequent summary execution as well as the public display of their bodies. The Special Rapporteur expresses concern at the serious breach of the immunity of United Nations premises, in contravention of international law.

100. The Special Rapporteur endorses fully the statement made by the High Commissioner for Human Rights, Mr. José Ayala Lasso, in which he appealed to the leader of the Taliban Supreme Council to exercise maximum restraint and to ensure the basic rights of all Afghans, particularly the civilian population, women and children, in keeping with international human rights standards. The Special Rapporteur expresses full support for the message which the High Commissioner sent through the Head of the United Nations Special Mission in Afghanistan on 4 October to the head of the Supreme Council of the Taliban movement, calling upon the Taliban leadership to ensure respect for such rights as the right of women to work and the right of girls to education without discrimination.

101. The basic rights of women should be fully restored. The restrictions currently imposed on the activities of women and girls outside the home in areas controlled by the Taliban should be modified in order to allow for access to education and employment. This could help to avert a potential humanitarian catastrophe during the coming cold season, in particular in households headed by widows or those where women are the sole breadwinners. The activities of Afghan women's networks and advisory groups should be encouraged and reinforced.

102. Girls' schools should be reopened and women given access to education and employment. Consideration should be given to benefiting from the positive experiences with female education in accordance with Islamic principles in other Islamic countries. The United Nations humanitarian programme in Afghanistan could be asked to assist in these tasks.

103. The cultural heritage of Afghanistan is a central part of its identity and represents its past, present and even its future. The specific character of the cultural tradition and heritage of Kabul and the pace at which it has developed should be respected. Priority should be given to domestic and international efforts to preserve and protect the cultural patrimony and prevent its looting. The awareness and cooperation of the international community, and in particular of neighbouring countries, is of vital importance in this regard.

104. UNESCO should enhance its activities in Afghanistan in the fields of education and cultural heritage. Possibilities for enhancing cooperation in the field of education in Bamyan Province should be considered.

105. Member States should continue to provide voluntary contributions for humanitarian relief in Afghanistan. The activities of the United Nations Office for the Coordination of Humanitarian Assistance (UNOCHA) should be encouraged and strengthened.

106. The international community should increase humanitarian assistance regarding Afghan refugees and internally displaced persons with a specific view to encouraging voluntary repatriation.

107. The international community should make concerted efforts to suppress the illegal trafficking of narcotics in the areas neighbouring the territory of Afghanistan. There is an urgent need for global action in order to bring an immediate end to the activities of external elements which assist the warring sides by providing weapons, in a way that preserves respect for the enjoyment of the right to self-determination by the Afghan people.

108. In order to stress the importance of information gathered in the field and to benefit from the knowledge and experience gained by United Nations staff in the field, UNOCHA should be requested to assist the Special Rapporteur in the fulfilment of his mandate by ensuring support for his mission through follow-up on specific issues.